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federal register

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5224 of July 20, 1984

Space Exploration Day, 1984

By the President of the United States of America

A Proclamation

Space exploration is a quest for knowledge—knowledge about what lies outside the confines of the Earth's atmosphere and knowledge about the Earth itself. The information obtained adds greatly to the accumulated wisdom of mankind necessary for an understanding of the fundamental processes and origins of life, providing insight into perplexing mysteries of the universe. Because space has no boundaries, the information and benefits from space exploration accrue to mankind's advantage in many different spheres.

For 25 years, since the first primitive spacecraft heralded the dawn of the Space Age, the United States has expanded the frontier of space research; and the fruits of this research have been shared with scientists of other countries, reflecting the peaceful nature of our exploration. For example, the National Aeronautics and Space Administration has sent remotely controlled satellites on missions to measure the winds of Mars, count the rings of Saturn, and record volcanic activity on a moon of Jupiter; weather satellites have intensely studied the Earth's weather patterns; and communications satellites have profoundly changed modern life as events and impacts are known instantly and felt worldwide. Near-earth satellites inventory our agricultural resources, search for mineral deposits, and measure the ecological impact of forest fires and volcanic eruptions. New products for industry, home, and medical use also have moved into the private sector.

As we have employed unmanned satellites to conduct research in space, we have also utilized the presence of man. Fifteen years ago, on July 20, 1969, people around the world witnessed the wonder of a human voice being transmitted from Tranquility Base:

"That's one small step for Man . . .

One giant leap for Mankind."

as an American astronaut became the first human to set foot on truly foreign soil—the Moon. The Apollo project evinced our technological leadership and preeminence in space.

The success of America's Space Shuttle, the most sophisticated space research vehicle yet developed, reaffirms the spirit of confidence, courage, pride, ingenuity, and determination which has characterized the history of America's space program. As the Shuttle continues to demonstrate and expand its capabilities, and as we progress towards a permanently manned space station, the spirit of July 20, 1969, burns brilliantly, leading our journey into the future.

Space exploration is part of the human adventure. Through it, we challenge ourselves to strive and to achieve. By exploring, we are not just finding out more about our physical environment, we are finding out more about the human condition.

It is said there are two fundamental differences between human beings and other species: we have souls and we have curiosity. The exploration of space is a testament to each of these differences. It is our curiosity which drives our explorations, and it is our soul which gives these explorations meaning.

In recognition of the achievements and promise of our space exploration program, the Congress, by House Joint Resolution 555, has designated July 20, 1984, as "Space Exploration Day" and authorized and requested the President to issue a Proclamation to commemorate this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 20, 1984, as Space Exploration Day. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-19710
Filed 7-23-84; 10:44 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of July 20, 1984, on signing Proclamation 5224, see the *Weekly Compilation of Presidential Documents* (vol. 20, no. 29).

Rules and Regulations

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EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2502

Availability of Records; Freedom of Information Act; Amendments and Corrections

Correction

In FR Doc. 84–17904, beginning on page 28233, in the issue of Wednesday, July 11, 1984, on page 28233, in the second column, in §2502.3(b), in the eighth line, "9:00 a.m.," should read "9:00 a.m. to 5:30 p.m.,".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 279

[Amdt. 258]

Food Stamp Program; Bonding of Authorized Firms

Correction

In FR Doc. 84–18450 beginning on page 28391 in the issue of Thursday, July 12, 1984, make the following correction:

§ 279.7 [Corrected]

On page 28393, third column, § 279.7 (a), line six, "of the forfeiture or" should read "or the forfeiture of".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 334, Amdt. 1; Valencia Orange Reg. 335, Amdt. 1; Valencia Orange Reg. 336]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 1 of Regulation 334 increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 13–19, 1984. Amendment 1 of Regulation 335 increases the quantity of such oranges which may be shipped during the period of July 20–26, 1984. Regulation 336 establishes the quantity of Valencia oranges that may be shipped during the period July 27–August 2, 1984. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the specified periods due to the marketing situation confronting the Valencia orange industry.

DATES: Amended Regulation 334 (§ 908.634) is effective for the period July 13–19, 1984. Amended Regulation 335 (§ 908.635) is effective for the period July 19–26, 1984. Regulation 336 (§ 908.636) is effective for the period July 27–August 2, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone: 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment and regulation are based upon the recommendation of and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

The amendment and regulation are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984, at Ventura, California. The committee met again publicly on July 17, 1984, to consider current and prospective conditions of supply and demand for California-Arizona Valencia oranges. The committee reports the demand for Valencia oranges is slow but improving, hence the increases of 100,000 cartons in the allotments for the periods July 13–19 and July 20–26, 1984.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when the information became available upon which the regulation and amendments are based and the effective dates necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views of this action at an open meeting, and the amendments relieve restrictions on the handling of Valencia oranges. To effectuate the declared purposes of the Act, it is necessary to make these provisions effective as specified, and handlers have been notified of these actions and their effective dates.

List of Subjects in 7 CFR Part 908

Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

§ 908.634 Valencia Orange Regulation 334 is revised to read as follows:

§ 908.634 Valencia Orange Regulation 334.

The quantities of Valencia oranges grown in California and Arizona which

may be handled during the period July 13–19, 1984, are established as follows:

(a) *District 1:* 234,000 cartons;
(b) *District 2:* 366,000 cartons;
(c) *District 3:* Unlimited cartons.

§ 908.635 Valencia Orange Regulation 335 is revised to read as follows:

§ 908.635 Valencia Orange Regulation 335.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 20–26, 1984, are established as follows:

(a) *District 1:* 234,000 cartons;
(b) *District 2:* 366,000 cartons;
(c) *District 3:* Unlimited cartons.

Section 908.636 is added as follows:

§ 908.636 Valencia Orange Regulation 336.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 27, 1984, through August 2, 1984, are established as follows:

(a) *District 1:* 254,000 cartons;
(b) *District 2:* 396,000 cartons;
(c) *District 3:* Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1984.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84–19447 Filed 7–23–84; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 1]

General Regulations Governing 1982 Through 1985 Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: Except for a technical correction, an Interim Rule published on December 7, 1983 (48 FR 54807), is adopted as a Final Rule without change. The Interim Rule amended 7 CFR 1446.54(a) to eliminate a requirement of the Commodity Credit Corporation (CCC) that contracts for "additional" (non-quota) peanuts, which by statute must be filed with CCC, be filed on a standard CCC form. The interim rule also added § 1446.67, which sets forth control numbers assigned by the Office of Management and Budget with respect to recordkeeping requirements.

EFFECTIVE DATE: July 24, 1984.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon (ASCS), Program Specialist, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, 202–382–0154. A Final Regulatory Impact Analysis has been prepared and is available upon request.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major". It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this rule applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, or land use and appearance. Accordingly, neither an environmental assessment nor an Environmental Impact Statement is needed.

Section 359 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359), provides that "additional" peanuts (i.e., peanuts marketed in excess of a farm poundage quota or without such a quota) must be: (1) Pledged as price support loan collateral at the additional loan rate, or (2) marketed for crushing or for export in accordance with contracts entered into between handlers and producers. Section 359 requires further that sale contracts for additional peanuts must be submitted to the Secretary of Agriculture for approval prior to April 15 of the year in which such peanuts are grown.

For prior crop years, the regulations have provided at 7 CFR 1446.54(a) that all additional peanut contracts were required to be submitted on Form CCC-1005 ("Handler Contract with Producers for Purchase of Additional Peanuts for Crushing or Export"). In order to provide increased flexibility for contracting additional peanuts, an Interim Rule was published on December 7, 1983, which amended § 1446.54(a) to eliminate the required use of Form CCC–1005. Otherwise, the requirements of § 1446.54(a), which set forth the elements which must be included in additional peanut contracts which are submitted for approval, were continued. In addition, the Interim Rule added applicable Office of Management and Budget (OMB) control numbers for purpose of compliance with the recordkeeping requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Interim Rule provided for a 60-day comment period which ended on February 6, 1984.

There were two comments received from the public and one comment, which supported the adoption of the Interim Rule, from a State Agricultural Stabilization and Conservation Committee. One comment, which was received from a State farm organization, did not address the provisions of the Interim Rule but recommended that the final date by which producers and handlers could enter into contracts for additional peanuts should be changed from April 15 to August 15. Since the final contracting date is established by statute (i.e., section 359(j) of the 1938 Act) and cannot be changed by regulation, the comment is beyond the scope of this rulemaking procedure.

Another comment, from a national growers organization, generally favored the provisions of the Interim Rule but argued that "open-ended" price provisions, which are frequently contained in additional peanut contracts, should be prohibited. Under that type of provision, the price at which additional peanuts are to be delivered under a contract entered into between a producer and a handler can be renegotiated. The commenter argued that this practice lowers overall contract prices for additional peanuts and disrupts normal contracting procedures by undercutting efforts to contract early for additional peanuts at higher prices. This comment with respect to the pricing provisions contained in additional peanut contracts is also beyond the scope of the rulemaking procedure. However, a further rulemaking procedure may be conducted if it is determined that a change in policy should be necessary with respect to this pricing issue.

While no substantive changes in the Interim Rule have been found warranted, the subparagraph designations in § 1446.54(a) have been changed in this final rule from "i" through "vii" to "1" through "7" to conform to the customary format contained in the Code of Federal Regulations.

List of Subjects in 7 CFR Part 1446

Loan programs—Agriculture, Peanuts, Price support programs, Warehouses.

Final Rule

PART 1446—[Amended]

§ 1446.54 [Amended]

Accordingly, the interim rule published at 48 FR 54807 is hereby adopted as a final rule except that 7 CFR 1446.54(a) is revised by removing paragraph designations (i) through (vii) and inserting in lieu thereof paragraph designations (1) through (7) respectively.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); Secs. 101, 108A, 401, *et seq.* 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c–1, 1421, *et seq.*,); secs. 359, 375, 52 Stat. 31, 64, as amended (7 U.S.C. 1359, 1375))

Signed at Washington, DC, on July 18, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84–19496 Filed 7–23–84; 8:45 am]

BILLING CODE 3410–05–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 304

Reporting Requirements on Deposit Placed by Deposits Brokers and Financial Institutions

Correction

In FR Doc. 84–19059, beginning on page 29053, in the issue of Wednesday, July 18, 1984, on page 29054, in the first column, in the "Authority", "1920" should read "1820".

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Computation of Benefits Under Totalization Agreements

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: Section 233 of the Social Security Act (the Act) authorizes the President of the United States to enter into Social Security agreements with foreign countries which permit the establishment of entitlement to benefits under title II of the Act by combining periods of coverage under the United States (U.S.) system and the system of the foreign country with which the U.S. has such an agreement. This process is called "totalization".

We have gained a considerable amount of experience under the rules (§ 404.1918) for computing a totalization benefit while implementing the three agreements now in effect. That experience has shown that those rules have been difficult to administer and that they have caused some undesirable results for benefit applicants. The rules also have made it difficult to negotiate and implement additional agreements.

In order to avoid administrative problems and other undesirable results we are adopting a new U.S. totalization benefit computation method which uses neither foreign earnings nor foreign coverage. We published a Notice of Proposed Rule Making on December 1, 1983 (48 FR 54243). No comments were received.

DATES: Unless otherwise provided in an agreement, these rules are effective for applications filed, and recomputations done, on or after July 24, 1984 and also apply to applications on which the Social Security Administration made no final decision before the date. decision before that date.

FOR FURTHER INFORMATION CONTACT: Dave Smith, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7460.

SUPPLEMENTARY INFORMATION:

Background of Current Method

Section 233 of the Act does not provide a detailed description of how totalization benefit amounts are to be computed. It only provides that periods of coverage under the foreign Social Security system may be used in determining eligibility for and the amount of the U.S. totalized benefit and the benefit amount payable shall be based on a proportion of the individual's periods of coverage completed under the U.S. Social Security system (see section 233(c)(1) (A) and (C)). Section 233(d) of the Act directs the Secretary of Health and Human Services to establish regulations which are reasonable and necessary to implement the agreements.

Section 404.1918 of the regulations previously in effect provided the rules for computing a totalization benefit. We have used those rules to implement international Social Security agreements with Italy, Germany and Switzerland. We expect agreements with several additional countries within the next few years.

Under the prior rules, we obtained information about a worker's earnings in a foreign country from the foreign country and converted those earnings to U.S. dollars. We combined those earnings with actual earnings under the U.S. system, indexed if appropriate, and determined a benefit known as a theoretical primary insurance amount (PIA) by following the rules for computing a regular Social Security benefit. We then reduced this theoretical PIA by multiplying it by a fraction equal to the ratio of periods of coverage under the U.S. system to the combined periods of coverage under the U.S. and foreign system. Therefore, the more covered work a person had in a foreign country, compared to his work covered by the U.S. Social Security system, the larger the reduction would be. Under that method, foreign coverage exerted a substantial influence over the amount of the U.S. benefit.

The principle underlying the prior method for computing a totalization benefit was that the total benefits a person received from the two countries should reasonably reflect the worker's total work history in the two countries. That method of computing U.S. totalization benefits attempted to implement this principle by providing for the computation of a theoretical PIA which reflected the worker's total work history in the two countries as though all of the covered work occurred under the U.S. system. The theoretical PIA was then prorated to reflect the ratio of U.S. periods of coverage to total periods of coverage under both countries, systems. This pro rata PIA, when added to a benefit computed and paid independently by the foreign country, was intended to make the worker whole in terms of his or her benefits.

The prior method of computing totalization benefits was unique among countries which have totalization agreements because it took account of earnings amounts credited under foreign systems. Foreign countries traditionally ignore earnings in other countries when computing totalization benefits. Instead, they generally assume that the worker had the same level of earnings throughout covered work in both countries as the worker had under the paying country's system. They can reasonably make this assumption because the earnings they used in

averaging are usually indexed to wage or price increases which occurred since the earnings were derived, and the benefit they actually pay is based on the proportion of actual covered work in their country when compared to a theoretical "coverage lifetime."

Our adoption of the traditional methodology was not practical when we first began negotiating Social Security agreements in the early 1970's because, at that time, the U.S. benefit formula took account of a worker's actual (i.e., unindexed) earnings averaged over all the years in the worker's computation period regardless of the length of time he or she actually worked under the U.S. system. Under the pre-1979 benefit formula, if a person with a work record split between the U.S. and another country was assumed to have had the same average earnings during the foreign work period as he or she had in the U.S., the person would generally be seriously disadvantaged if his or her U.S. coverage occurred early in a career, when earnings levels and the maximum amount of annual creditable earnings were lower. Likewise, the person would enjoy the advantage of generally higher earnings levels and maximum earnings amounts if the U.S. coverage occurred later in his or her career. This method could have produced radically different benefits for workers who had the same number of quarters of coverage (QC's) under the U.S. system depending on when the work occurred. We therefore considered it necessary, in order to avoid either result, to take account of the actual foreign earnings record.

The enactment in 1977 (for implementation beginning in 1979) of a U.S. benefit formula based on indexed U.S. earnings has minimized the problems that would arise from a totalization computation method that, instead of using actual foreign earnings in computing a theoretical PIA, projects a worker's earnings level during periods of U.S. coverage to an entire coverage lifetime. Since U.S. earnings, regardless of when the work occurred, are now indexed in regular U.S. benefit computations, they accurately reflect wage levels near the time of entitlement.

Nothing in section 233 of the Social Security Act requires, or even mentions, the use of foreign earning in computing the U.S. totalization benefit. Moveover, we are permitted, but we are not required, to use foreign coverage periods in the computation. In order to avoid a number of administrative problems and undesirable results discussed below, we have decided to eliminate foreign earnings and coverage from the U.S. totalization benefit computation.

Establishing the Theoretical Lifetime Earnings Record

In determining the amount of a person's totalization benefit under the new computation method we will establish a theoretical lifetime earnings record based on the worker's relative earnings position (REP) while actually covered in the U.S. The REP is the average of the ratios of the worker's actual U.S. covered earnings in each year with at least one QC to the average of the total wages of all workers for that year. In calculating the REP, we will make adjustments for any years with less than 4 QC's to, in effect, calculate the REP on a quarterly basis. Without these adjustments a worker's relative earnings level in such years could be significantly understated since the earnings the worker acquired in only part of a year would be compared to the national average wage for the entire year. Since some totalization beneficiaries can have their REP's determined based on as few as six QC's, they could be seriously disadvantaged without the adjustments.

To illustrate the need for this adjustment, consider as an example two people who each worked a total of 24 consecutive months in U.S. covered employment at an earnings level corresponding to the U.S. national average wage. If the first person had begun working at the start of a calendar year and worked 24 consecutive months, ceasing work at the end of the following calendar year, the ratio of his actual earnings to the national average wage for each year would be 100 percent. When the ratios for the two years are averaged, we find that the REP is also 100 percent.

If the second person had worked 24 consecutive months, but had delayed the start of his work by six months, his earnings would have been spread over three calendar years. As a result, the ratio of his actual U.S. earnings to the national average wage would have been 50 percent in the first and third years and 100 percent in the second year (when he worked a full calendar year). His REP, therefore, would be 66⅔ percent. Thus, without an adjustment, two individuals who worked at the same earnings level for the same length of time could have substantially different theoretical PIA's because of small differences in the starting and ending dates of their coverage. No such distortion is possible for regular title II beneficiaries because a worker's average monthly wage (AMW) or average indexed monthly earnings (AIME) is determined over a fixed number of years that is independent of the starting and ending dates of coverage.

Under these new rules we will use the REP to construct the theoretical lifetime earnings record by assuming that the person worked at the same REP during all of his computation base years—i.e., the years that could generally be considered in computing a PIA under U.S. law. For each computation base year taken into account, we will multiply the worker's REP by the average of the total wages of all workers for that year and attribute the resulting amount to the worker's theoretical earnings record. However, to avoid unduly advantaging the worker by attributing earnings to years in which there likely was no work, we will not attribute earnings to computation base years before the year of attainment of age 22 or to computation base years beginning with the year of attainment of retirement age (or the year in which a period of disability begins) unless the worker is actually credited with earnings in those years. In death cases, earnings for the year of death will be attributed only through the quarter of death, on a proportional basis.

Under these new rules we will attribute earnings based on the worker's REP even to years in which the worker had earnings credited under the U.S. Social Security system. If we were to use a combination of attributed earnings and the worker's actual earnings, the years with lowest actual earnings (or lowest actual earnings after indexing in AIME computations) would always be disregarded in computing the AMW or AIME on which the worker's theoretical PIA is based (see §§ 404.211(e), 404.221(c) and 404.241(d)). As a result, the AMW or AIME would represent an inflated REP. In addition, taking into account both actual and attributed earnings on the theoretical earnings record would seriously complicate the processing of totalization benefit claims.

In attributing earnings to establish a theoretical "full career" earnings record, we may attribute earnings to computation base years during which the worker was not covered under either the U.S. or foreign Social Security system. (This contrasts with the prior method of computing a theoretical PIA in which earnings were credited only to actual periods of coverage under the U.S. or foreign system.) Under the new rules we will establish a theoretical "full career" earnings record as if the worker had worked a lifetime in the U.S. The intent is to determine what the worker's AMW or AIME would be and what PIA would result if he or she had engaged in U.S. covered work during all of the

years used in computing a title II benefit. Any periods not worked in U.S. covered employment (whether because of work under a foreign system, work in noncovered employment, or no work at all) will then be taken into account in computing the pro rata PIA, which is the benefit actually payable. In other words, the "theoretical" PIA will be reduced to exclude that portion which is attributable to periods which are not covered under the U.S. Social Security system.

Pro Rata Computation

One of the basic objectives of the regular U.S. Social Security benefit formula is to reasonably relate benefit amounts to the amount of a worker's average covered earnings. Consequently, when eligibility for U.S. benefits is established without totalizing, individuals with the same date of birth and the same average covered earnings for the same period of time should receive the same benefit amount. Applying this principle to U.S. totalization computations seems entirely rational and consistent with the requirement to pay U.S. totalization benefits in proportion to U.S. coverage. In the prior method for computing totalization benefits, this does not always happen. As noted before, under that method we prorated the theoretical PIA to reflect the ratio of periods of covered work in the U.S. to periods of covered work in the U.S. and the foreign country combined. As a result, individuals with the same average earnings under the U.S. system could receive significantly different benefit amounts depending upon the amount of covered work they had under the foreign country's system. Although additional work under the foreign system would generally reduce the amount of U.S. totalization benefits, it might or might not result in a compensating increase in foreign benefits, depending on the computation method used by the foreign country. Also, under the prior method, an individual who worked in two foreign countries with which we have agreements would generally receive a larger U.S. totalization benefit under the agreement with the country where he or she had less covered work. Thus, the amount of an individual's U.S. totalized benefit might be more dependent on the amount of coverage under the foreign system than on the amount of U.S. coverage.

Under the new rules, we will resolve these problems by relating the pro rata reduction to the number of calendar quarters in the benefit computation years. We will in effect, establish a theoretical "coverage lifetime" for each individual, and the benefit payable will be based on the ratio of the actual U.S. coverage to the individual's coverage lifetime. By eliminating the influence of foreign coverage from the computation, we will make individuals with the same date of birth and the same average earnings in the U.S. eligible for the same benefit. Moreover, if a worker had enough coverage in two foreign countries with which we have agreements to be eligible for a benefit under both, the benefit payable will be the same regardless of which agreement may apply, since foreign earnings will no longer be a factor in the computation.

The coverage lifetime established for an individual will equal the number of benefit computation years used in computing the individual's theoretical PIA. Under these new rules, a coverage lifetime will generally be derived by counting the number of years after 1950 (or after 1936, if an old-start computation applies), or, if later, the number of years after attainment of age 21, up to the year in which the worker reaches retirement age, becomes disabled, or dies, minus the appropriate number of drop-out years. (Since there can never be fewer than two benefit computation years, a coverage lifetime can never be less than two years). By establishing a coverage lifetime as described above, all individuals with the same date of birth, and date of death, retirement, or onset of disability will have the same coverage lifetime for purposes of calculating the pro rata PIA.

In certain disability cases, it is theoretically possible under the new computation method just described for the pro rata PIA to approach and even exceed the theoretical PIA. These are cases where the individual has considerable U.S. covered earnings but needs foreign coverage to meet the recency-of-work test to be eligible for disability benefits (§ 404.130). To ensure that the totalization benefit payable will not in any case be higher than the benefit which could be payable if the beneficiary were eligible without totalization, the new rules contain a "cap" equal to the non-totalization (national law) benefit. Thus, if the pro rata PIA should be higher than the non-totalization benefit amount, the non-totalization benefit amount will be paid. If the pro rata PIA is equal to or lower than the non-totalization benefit amount, the benefit based on the pro rata PIA will be paid.

Indexing Foreign Earnings

Under the prior totalization computation method, if an AIME computation was applicable, the foreign earnings were indexed using the same rules that are used to index U.S. earnings. However, the changes in U.S. wage levels which determine how earnings are indexed may not correspond at all to wage levels in the foreign country. This could result in the use of inflated or deflated earnings to determine the benefit amount.

Under these new rules, foreign earnings will not be required since the benefit will be based only on U.S. earnings. Consequently, the new method will produce consistent results for all applicants to whom it applies because the U.S. totalized benefit will not be influenced by the levels of earnings in foreign countries.

Availability of Foreign Earnings Information

Unlike most foreign countries, we previously required the use of foreign earnings in computing a totalization benefit. Most foreign countries do not maintain lifetime earnings records for individual workers and therefore could not supply the detailed earnings information that we required. Other countries that do maintain such information cannot retrieve it conveniently or are unwilling to release it for reasons of confidentiality. Each country with which we have discussed the possibility of concluding an agreement has either been reluctant to furnish the information or has refused to do so. Since foreign earnings will not be used under the new rules, all of these problems will be eliminated.

Administrative Problems

The long response times we experienced in connection with foreign earnings record requests, submitted to countries with which we currently have agreements, represented one of the most critical administrative problems associated with the prior totalization computation method. Those delays caused backlogs of pending claims, unproductive rehandling of claims material, increased correspondence workloads, etc. Beyond the administrative problems, the delays also could impose severe economic hardships on applicants.

The other major administrative problem under the prior method was the need to apply a series of complex, time-consuming and error-prone manual computations once we received a foreign earnings record. This was necessary because—

1. Many of the records were handwritten, making them difficult to decipher;

2. Foreign records frequently contained discrepancies which were

difficult to reconcile and which made it difficult for claims technicians to credit foreign coverage and earnings to the proper calendar quarters in constructing the combined U.S.-foreign earnings records. As a result, recontacts with the foreign agencies were frequently necessary, thus causing further delays; and

3. Before crediting foreign earnings, the amounts had to be converted to equivalent dollar amounts using exchange rates which varied from country to country and year to year.

Under the new rules, foreign earnings will no longer be a factor in the computation and much of the delay which we have experienced will be eliminated. Only foreign coverage information to determine eligibility will be necessary. Moreover, the time-consuming and complex steps of converting foreign earnings to U.S. dollar equivalents and then assigning them to blank quarters in the record will not be required. Because the new method will involve fewer steps, it will be less prone to error.

Limiting the Number of Computations in Totalization Claims

Our ability to process totalization claims in an efficient and timely manner has been further impaired by the frequent need to perform two or more trial computations in order to determine the amount of a worker's totalization benefit. Multiple computations were necessary under the prior rules for computing totalization benefits when more than one of the methods of computing regular PIA's provided in the Act apply to a worker.

Several methods of computing regular Social Security benefits are currently in effect because Congress has changed the rules for computing PIA's several times since the Social Security program began. To prevent a sudden change in rules from seriously disadvantaging some workers, prior computation methods frequently have been retained when a new method was enacted.

Although the latest computation method which can apply to a worker will usually yield the highest PIA, a prior method may be advantageous in some cases, depending on such factors as the person's age, how long the person worked, or the level of earnings during his or her career. For this reason, where more than one method applies to a worker, the law applicable to regular title II benefit computations requires that we compute regular national law PIA's under each method and pay according to the one which yields the highest benefit amount. The need to consider alternative computation methods when computing benefits has been a more significant problem in the case of totalization beneficiaries than regular beneficiaries primarily because many of the older, less familiar methods no longer apply to people who are currently reaching retirement age. For totalization beneficiaries, however, who may have reached retirement age many year ago but are only now becoming entitled based on totalization, it has been much more likely for some of the more obscure computation methods to be encountered.

To simplify the way we compute benefits for workers who qualify based on combined U.S. and foreign work credits, § 404.1918(c) of these new rules specifies that in general only the most current computation method which can apply to a worker will be used to determine his or her theoretical PIA. This change from the way we compute regular benefits will reduce the administrative complexity and expense involved in processing claims for totalization benefits without having significant effect on the amount of totalization benefits which will be paid under totalization agreements.

In particular, we will only apply the "old-start" computation method described in §§ 404.240–404.242 if, based on the worker's theoretical earnings record and date of birth, neither the AMW method described in § 404.220 or the AIME method described in §§ 404.210 to 404.212 could apply. In practice, this will only be cases where the individual became disabled many years ago. An old-start method is intended for workers who have all or substantially all of their U.S. Social Security earnings before 1951. Where a worker with substantial coverage after 1950 is eligible for an old-start computation, it almost always yields a smaller benefit than the AMW or AIME method. Because we will deem earnings to a theoretical full career under the new rules for computing totalization benefits, cases in which an old-start computation could yield a higher theoretical PIA than an applicable new-start computation will be very rare. These are cases in which the worker's actual U.S. earnings level was extremely low—significantly lower than even a level corresponding to the Federal minimum wage. The great majority of persons who qualify for totalization benefits have average earnings above the minimum wage level and as a result very few will qualify for a higher benefit based on an old-start computation. Even in those rare cases where an old-start computation is advantageous, the actual difference in the amount of benefits payable will be very small.

In addition, where a worker meets the conditions for an AIME computation, we will only apply that method and will not apply the alternative method described in §§ 404.230–404.233. According to the legislature history of the statute providing for this alternative method (section 215(a)(4)(B) of the Act), the alternative method was provided to protect the benefit rights of people who were approaching retirement age when the AIME computation method was enacted in 1977 and whose retirement plans had taken Social Security benefits into account. The purpose served by the alternative method obviously does not apply to people only now becoming eligible for benefits based on a totalization agreement, since they could not have expected to get U.S. Social Security benefits. Thus, our excluding the alternative in totalization claims to which the AIME formula applies does not violate the spirit of the statute requiring the application of the alternative method.

Applicability of New Rules to Particular Totalization Agreements

We have revised § 404.1918(a) and 404.1919 (recomputations), as they appeared in the proposed rule published on December 1, 1983, to indicate that the new computation method applies unless an agreement provides otherwise. The three agreements which are currently in effect (those with Italy, the Federal Republic of Germany, and Switzerland) provide for the application of the computation method which these amendments revise, but do not provide for the application of these amendments. The regulations at Subpart T of Part 404 implement, but do not supersede, those agreements. See section 233(d) of the Act. Thus, we must compute benefits which are payable under those agreements according to the method provided in those agreements, until appropriate revisions to those agreements become effective.

Miscellaneous Technical Changes

Section 404.1910 of the regulations has been revised to reflect the fact that, under these new rules, if an individual is eligible under more than one agreement, the benefit will be the same regardless of which agreement it is paid under. It does take account, however, of the fact that the benefit could be different under different agreements in rare cases. Primarily, this could occur when the worker has enough foreign work under two agreements to be insured for a benefit but has enough foreign work only under one of the agreements to meet the insured status requirement

(recently-of-work test) for a period of disability to be established. Excluding a period of disability in computing the benefit under one agreement could result in a higher benefit payable under that agreement. Thus, these revised regulations provide that if the benefit amounts payable are different under different agreements, only the highest benefit will be paid.

Section 404.1918 has been revised to reflect the changes in the rounding of benefits due to section 2206 of Pub. L. 97-35.

Section 404.1919 has been revised to eliminate the reference to including additional foreign earnings in a recomputation, since only U.S. earnings will be considered under the new rules, and to provide that an increase in the theoretical PIA is not required in order to recompute the pro rata PIA. Increasing the amount of U.S. coverage in the pro rata fraction will increase the benefit amount even if it does not increase the theoretical PIA.

Section 404.1904 has been revised to reflect the amendment of § 233(e) of the act by § 326 of Pub. L. 98-21 regarding the effective dates of totalization agreements. The revision provides that a totalization agreement can become effective after the expiration of a period during which at least one House of Congress has been in session on each of 60 days after the agreement was submitted to both Houses. Previously, an agreement could become effective after the expiration of a 90-day period during which both Houses had been in session.

Section 404.1920 has been revised to reflect the changes in the minimum benefit due to section 2201 of Pub. L. 97-35 and section 2 of Pub. L. 97-123.

Regulatory Procedures

Executive Order 12291

These regulations, which replace the totalization computation method, will result in some administrative savings and program costs. However, both the savings and costs are expected to be minor. Therefore, these regulaitons do not meet the criteria specified in Executive Order 12291 for a major rule, and a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations impose no reporting or recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because these rules only affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-age, Survivors, and Disability Insurance.

(Catalog of Federal Domestic Assistance Program Nos. 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: June 15, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: June 29, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

For the reasons set out in the preamble, Part 404 of Chapter III of Title 20, Code of Federal Regulations, is amended as follows:

PART 404—[AMENDED]

Subpart T—Totalization Agreements

1. The authority citation for Subpart T reads as follows:

Authority: Secs. 205, 233, and 1102 of the Social Security Act; 53 Stat. 1368, 91 Stat. 1538, and 49 Stat. 647, as amended (42 U.S.C. 405, 433, and 1302).

2. Section 404.1904 is revised to read as follows:

§ 404.1904 Effective date of totalization agreement.

Section 233 of the Social Security Act provides that a totalization agreement shall become effective on any date provided in the agreement if—

(a) The date occurs after the expiration of a period during which at least one House of Congress has been in session on each of 60 days following the date on which the agreement is transmitted to Congress by the President; and

(b) Neither House of Congress adopts a resolution of disapproval of the agreement within the 60-day period described in paragraph (a) of this section.

3. In § 404.1910, paragraph (c) is revised to read as follows:

§ 404.1910 Person qualifies under more than one totalization agreement.

* * * * *

(c) In the absence of evidence to the contrary, the agreement that affords the most favorable treatment for purposes of paragraph (b) of this section will be determined as follows:

(1) If benefit amounts are the same under all such agreements, benefits will be paid only under the agreement which affords the earliest month of entitlement.

(2) If benefit amounts and the month of entitlement are the same under all such agreements, benefits will be paid only under the agreement under which all information necessary to pay such benefits is first available.

(3) If benefit amounts under all such agreements are not the same, benefits will be paid only under the agreement under which the highest benefit is payable. However, benefits may be paid under an agreement under which a lower benefit is payable for months prior to the month of first entitlement to such higher benefit.

4. Section 404.1918 is revised to read as follows:

§ 404.1918 How benefits are computed.

(a) *General.* Unless otherwise provided in an agreement, benefits will be computed in accordance with this section. Benefits payable under an agreement are based on a pro rata primary insurance amount (PIA), which we determine as follows:

(1) We establish a theoretical earnings record for a worker which attributes to all computation base years (see §§ 404.211(b) and 404.241(c)) the same relative earnings position (REP) as he or she has in the years of his or her actual U.S. covered work. As explained in paragraph (b)(3) of this section, the REP is derived by determining the ratio of the worker's actual U.S. covered earnings in each year to the average of the total U.S. covered wages of all workers for that year, and then averaging the ratios for all such years. This average is the REP and is expressed as a percentage.

(2) We compute a theoretical PIA as prescribed in § 404.1918(c) based on the theoretical earnings record and the provisions of Subpart C of this part.

(3) We multiply the theoretical PIA by a fraction equal to the number of quarters of coverage (QC's) which the worker completed under the U.S. Social Security system over the number of calendar quarters in the worker's coverage lifetime (see paragraph (d)(2) of this section). See § 404.140 for the definition of QC.

(4) If the pro rata PIA is higher than the PIA which would be computed if the worker were insured under the U.S. system without totalization, the pro rata PIA will be reduced to the later PIA.

(b) *Establishing a theoretical earnings record.* (1) To establish a worker's theoretical earnings record, we divide his or her U.S. earnings in each year

credited with at least one U.S. QC by the average of the total wages of all workers for that year and express the quotient as a percentage. For the years 1937 through 1950, the average of the total wages is as follows:

Year	Average of the total wages of all workers
1937	$1,137.96
1938	1,053.24
1939	1,142.36
1940	1,195.00
1941	1,276.04
1942	1,454.28
1943	1,713.52
1944	1,936.32
1945	2,021.40
1946	1,891.76
1947	2,175.32
1948	2,361.64
1949	2,483.20
1950	2,543.96

(2) For years after 1950, the average of the total wages is as prescribed in § 404.211(c). If a worker has earnings in the year preceding the year of eligibility or death, or in a later year, we may not have been able to establish the average of the total wages of all workers for that year. Therefore, we will divide a worker's actual earnings in these years by the average of the total wages for the latest year for which that information is available. Average wage information is considered available on January 1 of the year following the year in which it is published in the **Federal Register.**

(3) The percentages for all years of actual covered earnings are then averaged to give the worker's REP for the entire period of work in the U.S. In determining the percentages for all years of covered earnings and the REP, we make adjustments as necessary to take account of the fact that the covered earnings for some years may have involved less than four U.S. QC's. The actual earnings that are taken into account in determining the percentage for any year with 1, 2, or 3 QC's cannot exceed ¼, ½, or ¾, respectively, of the maximum creditable earnings for that year. When we determine the REP from the percentages for all years, we add the percentages for all years, divide this sum by the total number of QC's credited to the worker, and multiply this quotient by 4 (see Example 1 of paragraph (d) of this section). This has the effect of calculating the REP on a quarterly basis.

(4) For each of the worker's computation base years (see §§ 404.211(b), 404.221(b) and 404.241(c)), we multiply the average of the total wages of all workers for that year by the worker's REP. The product is the amount of earnings attributed to the worker for that year, subject to the annual wage limitation (see § 404.1047). The worker's theoretical earnings record consists of his or her attributed earnings based on his or her REP for all computation base years. However, we do not attribute earnings to computation base years before the year of attainment of age 22 or to computation base years beginning with the year of attainment of retirement age (or the year in which a period of disability begins), unless the worker is actually credited with U.S. earnings in those years. In death cases, earnings for the year of death will be attributed only through the quarter of death, on a proportional basis.

(c) *Determining the theoretical PIA.* We determine the worker's theoretical PIA based on his or her theoretical earnings record by applying the same computation method that would have applied under Subpart C if the worker had these theoretical earnings and had qualified for benefits without application of an agreement. However, when the criteria in § 404.210(a) for the Average Indexed Monthly Earnings (AIME) computation method are met, only that method is used. If these criteria are not met but the criteria in § 404.220(a) for the Average Monthly Wage method are met, then only that method is used. If neither of these criteria are met, then the old-start method described in § 404.241 is used. If a theoretical PIA is to be determined based on a worker's AIME, theoretical earnings amounts for each year, determined under paragraph (b) of this section, are indexed in determining the AIME under § 404.211.

(d) *Determining the pro rata PIA.* We then determine a pro rata PIA from the theoretical PIA. The pro rata PIA is the product of—

(1) The theoretical PIA; and

(2) The ratio of the worker's actual number of U.S. QC's to the number of calendar quarters in the worker's coverage lifetime. A coverage lifetime means the worker's benefit computation years as determined under § 404.211(e), 404.221(c), or 404.241(d).

Example 1: C attains age 62 in 1982 and needs 31 QC's to be insured. C worked under the U.S. system from July 1, 1974 to December 31, 1980 and therefore has only 6½ years during which he worked under the U.S. system (26 QC's). C, however, has worked under the Social Security system of a foreign country that is party to a totalization agreement, and his total U.S. and foreign work, combined as described in § 404.1908, equals more than 31 QC's. Thus, the combined coverage gives C insured status. The benefit is computed as follows:

Step 1: Establish C's theoretical earnings record:

The following table shows: (1) C's actual U.S. covered earnings for each year, (2) the average of the total wages of all workers for that year and (3) the ratio of (1) to (2):

Year	QC's	C's actual U.S. covered earnings	National average wage	Percentage ratio of (1) to (2)
		(1)	(2)	(3)
1974	2	$2,045.08	$8,030.76	25.46558
1975	4	7,542.00	8,630.92	87.38350
1976	4	9,016.00	9,226.48	97.71874
1977	4	9,952.00	9,779.44	101.76452
1978	4	10,924.00	10,556.03	103.48587
1979	4	12,851.00	11,479.46	111.94777
1980	4	11,924.00	12,513.46	95.28939

C's REP is the average of the ratios in column 3, adjusted to take account of the fact that C had only 2 QC's in 1974. Thus, the REP equals the sum of the figures in column 3 (623.05537), divided by the total number of C's QC's (26) and multiplied by 4, or 95.85467 percent.

Since C attained age 62 in 1982, his computation base years are 1951 through 1981. To establish his theoretical earnings record we use 95.85467 percent of the national average wage for each of the years 1951 through 1981. Since national average wage data is not available for 1981, for that year we attribute 95.85467 percent of the national average wage for 1980 or $11,994.74. His theoretical earnings record would look like this:

1951	$2,683.13
1952	2,850.07
1953	3,009.30
1954	3,024.83
1955	3,164.56
1956	3,385.93
1957	3,490.76
1958	3,521.51
1959	3,695.96
1960	3,841.01
1961	3,917.35
1962	4,113.51
1963	4,214.38
1964	4,386.62
1965	4,465.50
1966	4,733.65
1967	4,997.33
1968	5,340.79
1969	5,649.44
1970	5,929.80
1971	6,227.75
1972	6,836.06
1973	7,265.34
1974	7,697.86
1975	8,273.14
1976	8,844.01
1977	9,374.05
1978	10,118.45
1979	11,003.60
1980	11,994.74
1981	11,994.74

Step 2: Compute the theoretical PIA: Since C attains age 62 in 1982, we determine his theoretical PIA using an AIME computation. In applying the AIME computation, we index each year's earnings on the theoretical earnings record in accordance with § 404.211(d). In this example, the theoretical PIA is $453.

Step 3: Compute the pro rata PIA:

Theoretical PIA × actual U.S. QC's ÷ calendar quarters in benefit computation years

$453 × 26 QC's (6½ years) ÷ 104 quarters (26 years) = $113.20 pro rata PIA

Example 2: M needs 27 QC's to be insured, but she has only 3 years of work (12 QC's) under the U.S. system. M has enough foreign work, however, to be insured. She attained age 62 in 1978, and her U.S. covered earnings were in 1947, 1948 and 1949. Based on M's date of birth, her theoretical PIA can be computed, in accordance with § 404.220, under a new start method. If M's earnings in 1947, 1948, and 1949 were 50 percent, 60 percent and 70 percent, respectively, of the average wage for each year, her REP would be 60 percent. For each year in the computation period, 60 percent of the average wage for that year will be attributed as M's assumed earnings. The theoretical PIA will then be computed as described in §§ 404.220 through 404.222.

To determine M's pro rata PIA, the theoretical PIA will be multiplied by the ratio of the actual number of U.S. QC's to the number of calendar quarters in the benefit computation years. There are 22 benefit computation years, or 88 quarters. The pro rata PIA would, therefore, be $^{12}/_{88}$ x theoretical PIA.

(e) *Rounding of benefits.* (1) If the effective date of the pro rata PIA is before June 1982, we will round to the next higher multiple of 10 cents if it is not already a multiple of 10 cents.

(2) If the effective date of the pro rata PIA is June 1982 or later, we will round to the next lower multiple of 10 cents if it is not already a multiple of 10 cents.

(f) *Auxiliary and survivors benefits; reductions; family maximum.* We will determine auxiliary and survivors benefit amounts (see Subpart D) on the basis of the pro rata PIA. We will apply the regular reductions for age under section 202(q) of the Act to the benefits of the worker or to any auxiliaries or survivors which are based on the pro rata PIA (see § 404.410). Benefits will be payable subject to the family maximum (see § 404.403) derived from the pro rata PIA. If the pro rata PIA is less than the minimum PIA, the family maximum will be 1½ times the pro rata PIA.

5. Section 404.1919 is revised to read as follows:

§ 404.1919 How benefits are recomputed.

Unless otherwise provided in an agreement, we will recompute benefits in accordance with this section. We will recompute the pro rata PIA only if the inclusion of the additional earnings results in an increase in the benefits payable by the U.S. to all persons receiving benefits on the basis of the worker's earnings. Subject to this limitation, the pro rata PIA will be automatically recomputed (see § 404.285) to include additional earnings under the U.S. system. In so doing, a new REP will be established for the worker, taking the additional earnings into account, and assumed earnings in the computation base years used in the original computation will be refigured using the new REP. Assumed earnings will also be determined for the year of additional earnings using the new REP. The additional U.S. earnings will also be used in refiguring the ratio described in § 404.1918(d)(2).

6. Section 404.1920 is revised to read as follows:

§ 404.1920 Supplementing the U.S. benefit if the total amount of the combined benefits is less than the U.S. minimum benefit.

If a resident of the U.S. receives benefits under an agreement from both the U.S. and from the foreign country, the total amount of the two benefits may be less than the amount for which the resident would qualify under the U.S. system based on the minimum PIA as in effect for persons first becoming eligible for benefits before January 1982. An agreement may provide that in the case of an individual who first becomes eligible for benefits before January 1982, the U.S. will supplement the total amount to raise it to the amount for which the resident would have qualified under the U.S. system based on the minimum PIA. (The minimum benefit will be based on the first figure in column IV in the table in section 215(a) of the Act for a person becoming eligible for the benefit before January 1, 1979, or the PIA determined under section 215(a)(1)(C)(i)(I) of the Act (as in effect in December 1981) for a person becoming eligible for the benefit after December 31, 1978.)

[FR Doc. 84-19465 Filed 7-23-84; 8:45 am]
BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Parts 510 and 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Estradiol Benzoate and Testosterone Propionate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ivy-Gene Co., Inc., providing for use of estradiol benzoate and testosterone propionate in combination in subcutaneous ear implants for heifers weighing 400 pounds or more for growth promotion and improved feed efficiency. Also, FDA is amending the regulations to reflect the sponsor's new address. As amended, the regulations also reflect the current labeling approved for Syntex Agribusiness, Inc. This use of the drug reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the product.

EFFECTIVE DATE: July 24, 1984.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Ivy-Gene Co., Inc., 1731 Connecticut Ave. NW., Washington, DC 20009, filed NADA 135-906 providing for use of subcutaneous ear implant containing 200 milligrams (mg) of testosterone propionate and 20 mg of estradiol benzoate for growth promotion and improved feed efficiency in heifers weighing 400 pounds or more. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval of this NADA is discussed in the freedom of information summary. The sponsor has notified FDA of a change of address, and the regulations are amended accordingly. As amended, the regulations also reflect the current labeling approved for Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, in its NADA 11-427.

The drug was the subject of an NAS/NRC evaluation published in the **Federal Register** of February 21, 1969 (34 FR 2517). The NAS/NRC evaluation concluded, and the agency concurred, that the product is effective for growth promotion and improved feed efficiency in heifers. Under these circumstances, the regulations are also amended to include a statement that applications for these uses need not include effectiveness data as specified by 21 CFR 514.111.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by changing the address for Ivy-Gene Co. in paragraph (c) (1) and (2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
• • • • •	
Ivy-Gene Co., Inc., 1731 Connecticut Ave. NW., Washington, DC 20009	021641
• • • • •	

(2) * * *

Drug labeler code	Firm name and address
•	• • • • •
021641	Ivy-Gene Co., Inc., 1731 Connecticut Ave., NW., Washington, DC 20009.
•	• • • • •

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 522, § 522.842 is amended by revising paragraphs (b) and (d) (2) and (3), and by adding new paragraph (e) to read as follows:

§ 522.842 Estradiol benzoate and testosterone propionate in combination.

* * * * *

(b) *Sponsor.* See Nos. 000033 and 021641 in § 510.600(c) of this chapter.

(d) * * *

(2) *Indications for use.* Growth promotion and improved feed efficiency.

(3) *Limitations.* For heifers weighing 400 pounds or more; for subcutaneous ear implantation, one dose per animal; not for use in dairy or beef replacement heifers.

(e) *NAS/NRC status.* These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety data.

Effective date: July 24, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 18, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-19430 Filed 7-23-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Schering Corp. providing for safe and effective use of gentamicin sulfate soluble powder in swine drinking water for control and treatment of colibacillosis and swine dysentery.

EFFECTIVE DATE: July 24, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed NADA 133-836 providing for use of gentamicin sulfate soluble powder in drinking water: (1) In weanling swine for control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin; (2) in swine for control and treatment of swine dysentery associated with *Treponema hyodysenteriae*. The NADA is approved and the regulations are amended to reflect this approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1044c, to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1044c Gentamicin sulfate soluble powder.

(a) *Specifications.* Each gram of gentamicin sulfate soluble powder contains gentamicin sulfate equivalent to 16.7 or 66.7 milligrams of gentamicin.

(b) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.300 of this chapter.

(d) *Conditions of use*—(1) *Amount.* Colibacillosis: gentamicin sulfate equivalent to 25 milligrams of gentamicin per gallon of drinking water for 3 consecutive days, to provide 0.5 milligram per pound of body weight per day; swine dysentery: gentamicin sulfate equivalent to 50 milligrams of gentamicin per gallon of drinking water for 3 consecutive days, to provide 1 milligram per pound of body weight per day.

(2) *Indications for use.* In weanling swine for control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin, and in swine for control and treatment of swine

dysentery associated with *Treponema hyodysenteriae.*

(3) *Limitations.* For use in swine drinking water only. Do not store or offer medicated drinking water in rusty containers since the drug is quickly destroyed in such containers. Medicated drinking water should be prepared daily and be the sole source of drinking water for 3 consecutive days. Treatment may be repeated if dysentery recurs. Do not slaughter treated swine for food for at least 10 days following treatment.

Effective date: July 24, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 16, 1984.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-19432 Filed 7-23-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD 6010.8-R, Amdt. No. 25]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Coverage for Intraocular Lenses

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This final rule amends the comprehensive CHAMPUS Regulation, DOD 6010.8-R (32 CFR 199), pertaining to CHAMPUS coverage for additional intraocular lenses by making them an exception to the general policy not to cover experimental or investigational medical supplies or services. This will allow for CHAMPUS coverage of lenses that are subject to an investigational device exemption as well as those lenses that are approved for marketing by FDA.

EFFECTIVE DATE: The provision of this technical change is effective retroactive to June 1, 1977.

FOR FURTHER INFORMATION CONTACT: Marion M. Blackburn, Policy Branch, OCHAMPUS, telephone (303) 361-4078.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

In FR Doc. 84-5836 appearing in the Federal Register on March 5, 1984 (49 FR 8048), the Office of the Secretary of Defense published a proposed amendment to rule regarding a revision to the language of the CHAMPUS Regulation to allow coverage for all intraocular lenses. Public comments were to have been submitted by April 4, 1984.

Other than comments supporting the proposed rulemaking, there were two comments submitted with recommended changes to the amendment. One commenter felt that use of IOLs in persons under age 18 years should be limited to those instances where the patient or parent understood the potential risks involved for their age group or the procedure was performed as part of a special controlled study designed to test the long term effects of IOL implants. It is our understanding that there are studies being conducted with respect to this age group and that most of the physicians who implant IOLs have been approved to do so. For these reasons we are confident that they will be implanted with prudence in this younger population. The second commenter recommended that we specifically state that intraocular lenses would be authorized if they are either approved for marketing by the FDA or are subject to an investigational device exemption. The language has been revised to state that CHAMPUS will cover IOLs subject to an investigation device exemption by the FDA.

The regulation specifies that claims submitted for benefits must be filed no later that December 31 of the calendar year immediately following the one in which the covered service was rendered. Since the effective date of this amendment is June 1, 1977 it will mean that many of the IOL claims denied or not submitted since that date cannot meet the timely filing requirement. In order to provide all beneficiaries an opportunity to submit their denied or unsubmitted IOL claims for reprocessing, the deadline for filing these claims will be December 31, 1985.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, Part 199, is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Section 199.9 is amended by revising paragraph (e)(6)(i)(*a*) and adding a "Note" following paragraph (e)(6)(i)(*a*) to read as follows:

§ 199.10 Basic program benefits.

(e) * * *

(6) * * *

(i) * * *

(*a*) Eyeglasses or lenses which perform the function of the human lens, lost as the result of intraocular surgery or ocular injury.

Note.—Notwithstanding the general requirement for U.S. Food and Drug Administration approval of any surgical implant set forth in § 199.10(d)(3)(vii) of the Part, intraocular lenses are authorized under CHAMPUS if they are either approved for marketing by FDA or are subject to an investigational device exemption.

* * * * *

(10 U.S.C. 1079, 10.86; 5 U.S.C. 301)

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 19, 1984.

[FR Doc. 84-19505 Filed 7-23-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 228 and 251

Disposal of Mineral Materials

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: Presently, rules governing use and disposal of mineral materials from National Forest System lands are set forth in two separate parts. One set (36 CFR 251.4) governs disposals from lands reserved from the public domain; the other set (36 CFR 251.4a) governs disposals from acquired lands. These final regulations revise and consolidate those existing regulations and resolve former regulatory inconsistencies and procedural confusion. The intended effect is to provide applicants and land managers with a consistent set of clear procedures to follow for the disposal of mineral materials.

EFFECTIVE DATE: August 23, 1984.

ADDRESSES: Inquiries or suggestions should be sent to R. Max Peterson, Chief (2800), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harry Stumpf, Minerals and Geology Management Staff, (703) 235-8011.

SUPPLEMENTARY INFORMATION: The Secretary of Agriculture has the statutory authority to dispose of petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders, clay, and other similar materials on lands administered by the Forest Service. That authority derives, in

part, from the Act of July 23, 1955 (30 U.S.C. 601, 603, 611–615), which amended the Materials Act of 1947 to permit disposals from National Forest lands reserved from the public domain. The authority to dispose of mineral materials from lands acquired under the authority of the Weeks Act of 1911 (36 Stat. 961) stems from the Act of March 4, 1917 (16 U.S.C. 520). That authority was revested in the Secretary of Agriculture by the Act of June 11, 1960 (74 Stat. 205) for Weeks Act lands and for those lands given Weeks Act status by the Act of September 2, 1958 (16 U.S.C. 521a)).

Analysis of Public Comment

A proposed rule was published in the Federal Register on August 4, 1983 (48 FR 35580) with a comment period of 60 days. Twelve comments were received. One comment was submitted by an association representing the mining industry, one by a wildlife group, one by a private citizen, one from the Bureau of Land Management, and eight comments were submitted by various offices of the Forest Service. The general reaction to the proposed rule has been positive, with some suggestions and comments for improving or clarifying specific points. These suggestions are discussed below as they relate to specific sections. Several comments were of a general nature and did not apply to particular sections of the regulation. One suggested that the title be changed to "Salable Minerals," which would not be entirely accurate since, under some conditions, mineral materials may be disposed of without charge. The current title is consistent with Bureau of Land Management usage (43 CFR 3600), and the term "mineral materials" is defined in § 228.42.

Two respondents expressed concern about the inadequacy of current contract and permit forms to apply to the different types of disposals. New contract and permit forms are in preparation.

One respondent suggested adding a section for appeals. The procedures at 36 CFR 211.18 are sufficient to cover administrative reviews regarding mineral materials; to add a section on appeals at 36 CFR Part 228, Subpart C, would be unnecessary duplication.

One respondent expressed the view that these regulations will have a significant impact on the environment. We disagree; these regulations will cause no appreciable change in the availability of mineral materials from current levels, nor will there be any significant changes in the requirements for operators.

Section 228.41 Scope.

This section has been transposed with "Definitions" for improved organization of the text.

There were two requests that Bankhead-Jones lands be specifically mentioned in these regulations. These are lands acquired to correct maladjustments in land use (7 U.S.C. 1010). After much discussion, these suggestions have been adopted, and a new provision at § 228.41(b)(4) has been added to specify the legal limitation on disposals from acquired Bankhead-Jones lands which lie outside the exterior boundaries of National Forests to public agencies for public purposes.

Six respondents suggested that § 228.41(b)(2) be clarified to ensure that disposals of mineral materials are allowed in areas withdrawn from other forms of mineral entry, if not precluded by statute or order, and if removal would not be detrimental to the resource values intended to be protected by the withdrawal. We agree and have revised the paragraph according to those suggestions.

Three respondents expressed concerns about potential conflicts between mining claimants and the Forest Service over disposals of mineral materials by the Forest Service from unpatented mining claims. As long as there is no unreasonable interference with a claimant's prospecting, mining, or processing operations, we believe the Multiple Use Mining Act of 1955 (30 U.S.C. 612) authorizes the Forest Service to manage and dispose of mineral materials from claims described in § 228.41(b)(3).

Section 228.42 Definitions.

There were several requests for the clarification of the terms "contract" and "permit." These terms have been added to the list of definitions. In addition, the term "purchaser" has been substituted for "contract holder" to reduce awkward phrasing, since all sales (purchases) of mineral materials will be conducted by contract.

One respondent suggested that tunnel sites be included in the definition of unpatented claims. A tunnel site is not a true mining claim; it is an exclusive right to prospect and, subsequently, constitutes a possessory right to any blind lode, vein, or ledge containing a valuable mineral deposit discovered by driving the tunnel. In order to perfect these rights after discovery, a tunnel site locator must stake mining claims over the deposit.

Several respondents suggested expanding the definition of "preference right negotiated sale" to include public domain lands as well as acquired lands. The Materials Act of 1947 (30 U.S.C. 601 et seq.) specifically requires competitive bidding for mineral materials on public domain lands unless competition is impracticable, in which case negotiated sales are allowed. Neither the Act nor its legislative history indicates that any preference right type of disposal was ever contemplated for public domain lands. On the other hand, the Act of March 4, 1917 (16 U.S.C. 520) has historically been interpreted as allowing prospecting permits, which may lead to preference right negotiated sales, on Weeks Act lands.

One respondent suggested that peat be incorporated in the definitions of mineral materials and covered by these regulations. Peat is considered to be a vegetative resource, and other regulations govern its disposal. Therefore, this suggestion has not been adopted.

One respondent suggested excluding petrified wood from the definition of mineral materials. Inclusion of petrified wood is consistent with Bureau of Land Management regulations, and petrified (mineralized) wood is clearly subject to the Act of July 23, 1955 (30 U.S.C. 611), as amended.

Section 228.43 Policy.

Several respondents requested clarification of the responsibility for the environmental analysis for proposed disposals and of the role of land management plans in such disposals. Section 228.43(a) has been clarified to point out that the authorized officer is responsible for the environmental analysis, and to ensure that management of mineral materials conforms to land and resource management plans.

We have deleted § 228.43(b) of the proposed rule, which simply listed the types of disposals. We see no need to repeat the types of disposals covered in § 228.57.

Several respondents expressed a desire for a minimum fee to ensure that administrative costs would be recovered. This section has been amended to expand the discretionary authority of field managers to establish such fees.

One respondent suggested rewording § 228.43(c), which deals with conservation, to reflect the statutory wording more accurately. We agree and have made the change to give the authorized officer greater latitude.

The respondents wished clarification of the statement in § 228.43(d) that disposals of mineral materials represent conveyances of real property. Mineral

materials in place and unsevered from the land are real property; once excavated, they become personal property. Although title to the material excavated vests in the purchaser or permittee, title to the remaining land and property remains in the United States. The first sentence of this section has been deleted for clarity, and a clause has been added to make it clear that the Forest Service retains the authority to manage the removal of the property on lands under its jurisdiction.

Section 228.44 Disposal on existing Federal leased areas.

One respondent suggested that it be made clear that disposals can be made from lands under Department of the Interior permits, as well as leases, under the 1920, 1947, and 1970 leasing acts. The section has been amended to reflect this point.

Section 228.45 Qualifications of applicants.

One respondent suggested that all applicants be required to furnish eligibility information. As written, the authorized officer determines the need for this information. It seems excessively burdensome to require this information in every case when it may not always be needed, as with low volume disposals; therefore, this section remains unchanged.

Section 228.47 General terms and conditions of contracts and permits.

Several respondents suggested deleting the term "highgrading" since it was not defined and appeared merely to restate the first part of the sentence. This change has been adopted.

A number of respondents indicated that requiring all purchasers and permittees to obtain road-use permits was needlessly burdensome and that this decision would be better left to the authorized officer, depending upon the extent of anticipated road use. This change has been adopted.

One respondent requested that § 228.47(f) be clarified so that reclamation would apply to all surface disturbance, including access, and not be limited to the actual excavation. This section has been revised accordingly.

One respondent suggested that the term "reclamation" be defined for the purposes of these regulations. The term is in common usage and does not need to be redefined here. References to restoration and rehabilitation have been changed to reclamation elsewhere in this regulation to avoid the confusing implications of those terms.

Section 228.48 Appraisal and measurement.

Four respondents suggested that the appraisal requirements for free-use permits be eliminated. We agree that there is no real need for a formal appraisal of mineral materials disposed of by means of a permit. This merely adds to the nonrecoverable cost of doing business. In order to minimize costs, yet provide information for Forest Service planning and budgeting purposes, the requirement has been changed from an appraisal to an estimate.

One respondent expressed concern for the need for consistency between the units used in the appraisal and the units used in measurement to ensure that fair market value is received. For example, to prevent an appraisal being based on a value per unit volume of loose pit run material and subsequent measurement and reporting being based on compacted processed material in place at the project (a much greater weight per unit volume), the final rule has been revised to require unit consistency. This change also reduces the chances for billing errors and the likelihood of confusion.

Section 228.49 Reappraisal.

Two respondents suggested that fairness dictates that the reappraised value should become the new unit value whether the unit price is higher or lower than the original value. This change has been adopted; this section has also been revised to incorporate recalculations for extensions of permits.

Section 228.50 Production records.

Three respondents expressed concern with the frequency of receiving production records from purchasers and permittees. We have revised this to read "at least annually" to give the authorized officer the flexibility to require more frequent reports, if necessary. We have also required consistency between units of measurement and appraisal as in § 228.48(a).

Section 228.51 Bonding.

In response to several comments, this section has been revised to clarify that a single bond for payment, performance, and reclamation is intended. One of those respondents suggested that bond requirements be recalculated when an extension of time is granted; this change has been made. Reclamation bonds for free use have been made optional at the discretion of the authorized officer, as one respondent suggested.

One respondent expressed the view that Time Certificates of Deposit should be accepted in lieu of a surety bond. These are not negotiable and, therefore, are not acceptable to the Forest Service (see Forest Service Manual 6506). However, a provision has been added so as not to preclude any types of bond that may be officially approved by the Forest Service in the future.

Section 228.52 Assignments.

In response to one comment, the provisions for assignments to third parties to remove mineral materials now apply to permits as well as contracts, as long as the potential permit assignee meets the conditions for free use in § 228.62(d).

One respondent remarked that it is unfair to hold an assignor liable for the performance of a contract or permit, once an assignment is made. We agree, and to the extent that there is a full and complete assignment of rights and obligations, we have revised this section out of fairness and for consistency with the Bureau of Land Management's regulation. This is also consistent with assignments of rights regarding other types of commodities, such as oil and gas.

Section 228.53 Term.

This section has been retitled for clarity. In response to several comments, the exceptions to the 1-year contract or permit term allowed elsewhere in this rule have been mentioned in this section.

Four respondents suggested that the term for contracts and permits be extended at the discretion of the authorized officer, or that the maximum term be 2 years rather than 1 year, where the field season is short. The 1-year term will help to ensure diligent development; to further encourage diligence, the number of extensions allowed has been reduced to two from an unspecified number. For accountability and ease of administration, we think it best to have a termination date. There are sufficient exceptions in § 228.53 (a) for alleviating problems beyond a purchaser's or permittee's control.

One respondent suggested that for low volume, short-term disposals, written requests for extensions be allowed up to 2 weeks before expiration. We agree in part; this section has been amended to allow requests for extensions of permits between 15 and 90 days before the permit expiration date, since no formal reappraisal is necessary.

Section 228.54 Single entry sales or permits.

One comment addressed earlier in this discussion led us to change the

terms "rehabilitate" and "rehabilitation" to "reclaim" and "reclamation" for consistency with Forest Service usage.

Section 228.55 Cancellation or suspension.

Prospecting permits have been added to this section for expanded coverage.

One respondent suggested that a provision be added to allow the authorized officer to attach the bond in cases of noncompliance; we have adopted this suggestion to give the authorized officer more enforcement authority.

One respondent expressed the view that 30 days of continued noncompliance was too long. This period is only for noncompliance of a less serious nature; in more serious instances the authorized officer may suspend or cancel the contract, permit, or prospecting permit immediately. This suggestion has not been adopted.

Section 228.56 Operating plans.

Propecting permits have been added to this section for clarity.

Two respondents suggested that the information required in an operating plan be incorporated in the contract or permit. As is the case for locatable minerals, there is no required format for an operating plan as long as the information is provided, and this section as written does not preclude incorporating this information or any other provisions into the contract or permit, in effect eliminating the need for a separate plan. Section 228.47 also provides sufficient latitude to address these concerns. We feel it is best not to be too specific about these requirements in order to allow maximum flexibility for dealing with a variety of situations.

One respondent questioned the need for retention of structures and facilities, indicating that these should be removed in all cases. Some structures and facilities may be useful for effective resource management after operations have ceased, such as roads for fire management; this comment has not been adopted.

Section 228.57 Types of disposal.

Several respondents suggested some slight revisions of this section to make the following points clearer. Preference right negotiated sales may be conducted only on acquired lands as defined in § 228.42; that is, on Weeks Act lands or lands with Weeks Act status (see the discussion under §§ 228.41 and 228.42). All other types of disposal apply to all of the lands to which this subpart applies, including acquired National Forest lands.

There were two questions about the instances to which negotiated sales apply; these are clearly spelled out in 30 U.S.C. 602 and simply repeated in § 228.57(b) (1) and (2). One of these comments suggested that certain small sales be excluded from competition because of their size. This suggestion has not been adopted, because, in some cases, small sales may be for mineral materials of sufficiently high quality to justify competition.

One respondent suggested that the types of free-use disposals be expanded. A clause has been added to direct the reader to § 228.62(d), which details the conditions for free use.

Section 228.58 Competitive sales.

One respondent suggested that the subsection regarding advertising be clarified. Changes have been made to be more consistent with the wording in the Bureau of Land Management regulations at 43 CFR 3610.3–2.

Section 228.58(b)(2) has been expanded to incorporate a reference to special constraints due to environmental conditions that may need to be made known.

One respondent questioned why the volume of 25,000 cubic yards was set as the lower limit for requiring advertising. This is not the case; sales below this volume are required to be advertised, as well; only the means of advertising sales of lower volumes are left up to the authorized officer.

Several respondents asked that the bidding process be clarified in the case of ties. A purchaser determined by lot must pay the amount of the tied sealed bid; we believe this change may reduce the possibility of collusion among bidders.

One respondent suggested that the last sentence of § 228.58(c)(1) be revised so that the results of bidding would be mailed to all bidders within 10 days. This suggestion simplifies implementation and has been adopted.

Two respondents suggested that bid deposits are easier to compute as a percentage of appraised value since it may be difficult to estimate the value of 1 month's production until an operating plan is filed, after the sale has been conducted. We agree and have changed the requirement accordingly.

One respondent suggested that purchasers or permittees with a history of poor compliance be denied further contracts or permits. Denial of further contracts or permits on this basis is possible only through suspension or debarment proceedings. At the present, Forest Service suspension and debarment procedures do not apply to disposals of mineral materials. Bond requirements should be designed to cover all risks.

Section 228.59 Negotiated or noncompetitive sales.

Two respondents expressed concern about the phrase "in any one calendar year;" we have changed this to read "in any period of 12 consecutive months" to be consistent with Bureau of Land Management requirements and to avoid the possibility of selling the maximum in December of one year and again in January of the following year.

One respondent questioned whether or not a leaseholder may obtain mineral materials free of charge for use on roads necessary to develop the lease. A leaseholder may obtain mineral materials only through competitive or negotiated sales, as appropriate.

One respondent expressed the view that the volume limit of 200,000 cubic yards may be too restrictive for large projects. We believe that the public interest is best served by encouraging competition for these resources. Consequently, the provisions that limit volumes for individual noncompetitive sales remain in the final rule. This particular limit is identical to that required by the Bureau of Land Management (43 CFR 3610.2).

One respondent suggested that volume limitations be applied to one National Forest rather than to one State. We feel that uniformity between Forest Service and Bureau of Land Management regulations is desirable when possible, and this suggestion has not been adopted.

Section 228.60 Prospecting permits.

Several respondents wished clarification of the conditions under which prospecting permits may be issued. Prospecting permits may be issued only for acquired lands as defined in § 228.42 (Weeks Act lands and lands with Weeks Act status), and then only where existing information about developable mineral material deposits is insufficient.

Three respondents suggested that the wording be changed to clarify that a successful prospecting permittee has only a preference right to apply for a negotiated sale. This is indeed our intent, and the last sentence of § 228.60(a) has been changed accordingly; a prospecting permit does not automatically lead to a sale. The Forest Service may decide against the sale if the environmental impacts outweigh the benefits of the sale.

In this section and in the definition, the word "suitable" has been substituted for "valuable" in referring to

the mineral material deposit. The only requirement that needs to be met in this regard is that the deposit must be suitable for development for the needs of the project; the Forest Service is only concerned with compliance with the terms and conditions of the permit and subsequent contract, including payment, not with profitability.

Several of the comments suggested that § 228.60(c) be revised to clarify the relationship between a prospecting permit and an operating plan and to include a bonding provision. The bonding provision has been added, but we think it necessary that an applicant submit an operating plan and receive approval before a prospecting permit is issued.

In response to two comments, we have made it clearer that the Forest Service has the ultimate responsibility for NEPA compliance. Section 228.60(d) has been revised by deleting the phrase "on a single National Forest." After consideration, we felt this was redundant.

In response to two comments, we have modified § 228.60(e) to allow only one extension of a prospecting permit; we also changed this section to clarify that an application for extension must be received within 30 days of expiration to give the applicant a period of time in which to apply as opposed to a specific date as had originally been implied.

One respondent suggested that the authorized officer be given more latitude in deciding when to reject applications for extension. This change has been adopted; it is consistent with Forest Service policy of placing maximum feasible authority and responsibility at the field level, and it allows resource management decisions to be made by those most familiar with local conditions and needs.

Section 228.61 Preference right negotiated sales.

Several of the comments regarding prospecting permits applied to this section as well. The marketability statement has been deleted and replaced with suitability for the intended use, as discussed above (although one comment commended us for originally including this economic criterion). Additionally, statements have been added to make clear that the Forest Service is ultimately responsible for ensuring that an environmental analysis is conducted before a contract is awarded and to extend the general provisions of this regulation to which preference right sales are subject (through § 228.56).

One respondent questioned the contract time allowable. As written, a preference right negotiated contract "must not exceed 5 years;" this allows some room for negotiation by establishing only the maximum time while recognizing the time and money spent by prospecting permittee in finding and developing a mineral material deposit. Consequently, the only change in the final rule is to make approval for renewal a discretionary decision for the authorized officer.

Section 228.62 Free use.

One respondent suggested that the two sentences dealing with notification and reclamation were more applicable to § 228.62(d); we agreed and transposed them.

Several respondents requested clarification of the provisions for removal by an agent; in particular, they suggested that the authorized officer be given the discretionary authority to issue free-use permits to designated agents of public agencies, since many public works projects are done through contractors. The final rule was changed to allow a permit to be issued to designated agents of public agencies listed in § 228.62(d)(1), provided there is a binding agreement in which the public agency retains the responsibility of ensuring compliance with the conditions of the permit. This change simplifies permitting for those public agencies which do project work through contractors while still retaining sufficient control to prevent abuse.

In response to one comment, we have added a clause to allow the authorized officer to make the determination of whether an applicant already owns or has available an adequate supply of mineral materials.

One respondent complained that the qualifications for free use are very broad. Those qualifications are defined by law and are only repeated in the regulations.

Two respondents objected to the limit of 5,000 cubic yards on the basis that that volume was excessive for an individual. The limit is the same as specified by the Bureau of Land Management and is only a maximum amount; the authorized officer is not prevented from establishing lower limits. No change was made in the final rule.

Several respondents question the Forest Service's authority to dispose of petrified wood. The Office of the General Counsel of the Department of Agriculture has indicated that the Forest Service does have this authority; in response to that advice, the sentence prohibiting sales has been deleted. The change also makes this section consistent with Bureau of Land Management regulations, which allow commercial disposals.

Section 228.63 Removal under terms of a timber sale or other Forest Service contract.

One respondent expressed the concern that there should be some means for disposing of excess processed material of high unit value. In response to that, a specific statement has been added to clarify that excess excavated material, as property of the United States, may be disposed of by competitive or negotiated sales or by free-use permits.

Section 228.64 Community sites and common-use areas.

One respondent suggested that "site" be substituted for "pit;" this proposal has been adopted for consistency throughout the final rule.

All of the comments regarding this section were directed at the statement that the Forest Service must bear the reclamation costs for community sites and common-use areas. After much deliberation, we have eliminated the reference to costs. Because additional funds may be needed to meet major costs for reclaiming multiple-user sources, the Forest Service is examining procedures by which users may perform interim or final reclamation or pay a proportionate share of the reclamation costs.

Section 228.65 Payment for sales.

In response to one comment, we have simplified § 228.65(b)(1) by deleting the unnecessary reference to a maximum advance payment. Since an applicant may prepay the entire amount, setting a maximum advance payment serves no practical purpose.

Two respondents suggested that deferred payments be secured by a bond. Section 228.51(a)(2), which requires such a bond, has been cross-referenced for clarity.

Two other changes have been made in response to earlier comments. A statement has been added to require that the units of measurement correspond to the units used in the appraisal (§ 228.65(c)(1)), and the reference to bonds has been simplified according to discussion above.

Section 228.66 Refunds.

One respondent requested that some means of recovery of additional administrative costs incurred by the United States be included. This suggestion has been adopted; if the authorized officer has not assessed a fee as described in § 228.43(b), or if the

original assessed fee was too low, administrative costs may be deducted from any refund due a purchaser.

Regulatory Impact

The Department of Agriculture has determine that this final rule is not a major rule as defined in Executive Order 12291. The Department has further determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) The primary purpose of this rule is to streamline procedures for the management and disposal of mineral materials on National Forest System lands. This rule will affect all individuals or entities participating in the disposal of mineral materials in a similar manner. The information collection requirements in this rule have been reviewed and approved by the Office of Management and Budget through September 30, 1986, and assigned Clearance Number 0596–0081.

Environmental Impact Statement

The Forest Service has determined that this final rule is not a major Federal action significantly affecting the quality of the human environment. Therefore, no detailed statement is required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

The principal author of this final rule is Harry Stumpf, Minerals and Geology Management Staff, Washington Office, assisted by Michael Burnside, Northern Regional Office, Missoula, Montana.

List of Subjects in 36 CFR Part 228

Administrative practice and procedure, Environmental protection, Mineral resources; Mines, National forests, Surety bonds.

For the reasons set forth above, Chapter II of Title 36 of the Code of Federal Regulations is amended as follows:

PART 251—[AMENDED]

1. The Table of Contents of Part 251 is amended by removing the headings for §251.4, Disposal of materials, and § 251.4a, Use and disposal of materials in acquired and related lands.

§§ 251.4 and 251.4a [Removed]

2. Part 251 is amended by removing §§ 251.4 and 251.4a.

3. Part 228 is amended by adding a new Subpart C to read as follows:

PART 228—MINERALS

* * * * *

Subpart C—Disposal of Mineral Materials

* * * * *

Subpart C—Disposal of Mineral Materials

§ 228.40 Authority.

Authority for the disposal of mineral materials is provided by the Materials Act of July 31, 1947 (30 U.S.C. 601 et seq.), as amended by the Acts of August 31, 1950 (30 U.S.C. 603–604), July 23, 1955 (30 U.S.C. 601, 603), and September 25, 1962 (30 U.S.C. 602), and by the following: the Act of June 4, 1897 (16 U.S.C. 477); the Act of March 4, 1917 (16 U.S.C. 520); the Bankhead-Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010); the Act of September 1, 1949 (section 3) (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508b); the Act of June 28, 1952 (section 3) (66 Stat. 285); the Act of September 2, 1958 (16 U.S.C. 521a); the Act of June 11, 1960 (74 Stat. 205); the Federal Highway Act of August 27, 1958 (23 U.S.C. 101 et seq.); and the Alaska National Interest Lands Conservation Act of December 2, 1980 (section 502) (16 U.S.C. 539a).

§ 228.41 Scope.

(a) *Lands to which this subpart applies.* This subpart applies to all National Forest System lands reserved from the public domain of the United States, including public domain lands being administered under the Bankhead-Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010); to all National Forest System lands acquired pursuant to the Weeks Act of March 1, 1911 (36 Stat. 961); to all National Forest System lands with Weeks Act status as provided in the Act of September 2, 1958 (16 U.S.C. 521a); and to public lands within the Copper River addition to the Chugach National Forest (16 U.S.C. 539a). For ease of reference and convenience to the reader, these lands are referred to, throughout this subpart, as "National Forest lands."

(b) *Restrictions.* Disposal of mineral materials from the following National Forest lands is subject to certain restrictions as described below:

(1) *Segregation or withdrawals in aid of other agencies.* Disposal of mineral materials from lands segregated or withdrawn in aid of a function of another Federal agency, State, territory, county, municipality, water district, or other governmental subdivision or agency may be made only with the written consent of the governmental entity.

(2) *Segregated or withdrawn National Forest lands.* Mineral materials may not be removed from segregated or withdrawn lands where removal is specifically prohibited by statute or by public land order. Where not specifically prohibited, removal of mineral materials may be allowed if the authorized officer determines that the removal is not detrimental to the values for which the segregation or withdrawal was made, except as provided in paragraph (b)(1) of this section. Where operations have been established prior to the effective date of this Subpart and where not prohibited by statute, they may be permitted to continue. Nothing in this subparagraph is intended to prohibit the exercise of valid existing rights.

(3) *Unpatented mining claims.* Provided that claimants are given prior notice and it has been determined that removal will neither endanger nor materially interfere with prospecting, mining, or processing operations or uses reasonably incident thereto on the claims, disposal of mineral materials may be allowed from:

(i) Unpatented mining claims located after July 23, 1955; and/or

(ii) Unpatented mining claims located before July 23, 1955, and on which the United States has established the right to manage the vegetative and other surface resources in accordance with the Multiple Use Mining Act of July 23, 1955 (30 U.S.C. 601, 603, 611–615).

(4) *Acquired Bankhead-Jones lands.* Mineral materials on lands which were acquired under the authority of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010–1012), and which lie outside the exterior boundaries of National Forests, or on acquired lands which are being administered under the Act and which also lie outside the exterior boundaries of National Forests, may be disposed of under these regulations only to public authorities and agencies, and only on condition that the mineral materials are used for public purposes (7 U.S.C. 1011(c)).

§ 228.42 Definitions.

For the purposes of this subject, the following terms are defined:

Acquired National Forest lands. National Forest System lands acquired under the Weeks Act of March 1, 1911 (36 Stat. 961), and National Forest System lands with Weeks Act status as provided in the Act of September 2, 1958 (16 U.S.C. 521a).

Authorized officer. Any Forest Service officer to whom authority for disposal of mineral materials has been delegated.

Common-use area. Generally, a broad geographic area from which nonexclusive disposals of mineral materials available on the surface may be made to low volume and/or noncommercial users.

Community site. A site noted on appropriate Forest records and posted on the ground from which nonexclusive disposals of mineral materials may be made to low volume and/or noncommercial users.

Contract. A signed legal agreement between the Forest Service and a purchaser of mineral materials, which specifies (among other things) the conditions of a competitive, negotiated, or preference right sale of mineral materials to the purchaser.

Mineral materials. A collective term used throughout this Subpart to describe petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Common varieties do not include deposits of those materials which are valuable because of some property giving them distinct and special value, nor do they include "so-called 'block pumice' " which occurs in nature in pieces having one dimension of 2 inches or more.

Permit. A signed legal document between the Forest Service and one who is authorized to remove mineral materials free of charge, which specifies (among other things) the conditions of removal by the permittee.

Preference right negotiated sale. A negotiated sale which may be awarded in response to the finding and demonstration of a suitable deposit of mineral material on acquired National Forest lands as the result of exploratory activity conducted under the authority of a prospecting permit.

Prospecting permit. A written instrument issued by the Forest Service which authorizes prospecting for a mineral material deposit on acquired National Forest lands within specific areas, under stipulated conditions, and for a specified period of time.

Single entry source. A source of mineral materials which is expected to be depleted under a single contract or permit or which is reserved for Forest Service use.

Unpatented mining claim. A lode or placer mining claim or a millsite located under the General Mining Law of 1872, as amended (30 U.S.C. 21–54), for which a patent under 30 U.S.C. 29 and regulations of the Department of the Interior has not been issued.

Withdrawn National Forest lands. National Forest System lands segregated or otherwise withheld from settlement, sale, location, or entry under some or all of all of the general land laws (43 U.S.C. 1714).

§ 228.43 Policy governing disposal.

(a) *General.* Forest Service policy is to make mineral materials on National Forest lands available to the public and to local, State, and Federal government agencies where reasonable protection of, or mitigation of effects on, other resources in assured, and where removal is not prohibited.

(1) A contract or permit limits processing of the mineral material onsite to the first salable product.

(2) Additional onsite processing may be authorized by a separate permit (36 CFR 251.50).

(3) The authorized officer must ensure that an environmental analysis is conducted for all planned disposals of mineral materials.

(4) Decisions to authorize the disposal of mineral materials must conform to approved land and resource management plans (36 CFR 219.22).

(b) *Price.* Mineral materials may not be sold for less than the appraised value. The authorized officer may assess a fee to cover costs of issuing and administering a contract or permit.

(c) *Conservation.* Adequate measures must be taken to protect, and minimize damage to the environment. Mineral materials may be disposed of only if the authorized officer determines that the disposal is not detrimental to the public interest.

(d) *Ownership.* Title to the mineral materials vests in the purchaser or permittee immediately before excavation, subject to the provisions of §§ 228.47 through 228.56 and other provisions of the contract or permit. Title to excavated material not removed within the time provided revests in the United States.

§ 228.44 Disposal on existing Federal leased areas.

Mineral material contracts or permits may be issued within existing areas leased or under permit under the 1920 Mineral Leasing Act, as amended (30 U.S.C. 181–187); Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); the 1947 Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351 et seq.); and the 1970 Geothermal Steam Act (30 U.S.C. 1001–1025), provided that it has been determined that removal will neither endanger nor unreasonably interfere with lease operations, and provided further that the lease terms do not prohibit disposal.

§ 228.45 Qualifications of applicants.

The authorized officer may require applicants for prospecting permits, negotiated contracts, or free-use permits or bidders for the sale of mineral materials to furnish information necessary to determine their ability to perform the obligations of the contract or permit.

§ 228.46 Application of other laws and regulations.

All mining operations for removal of mineral materials from National Forest lands must meet or exceed applicable Federal standards for the protection of public safety, health, and the environment, and must also meet or exceed State and local standards for the protection of public safety, health, and the environment, to the extent that such standards are not in conflict with Federal purposes and functions.

General Provisions

§ 228.47 General terms and conditions of contracts and permits.

(a) *Disposal of designated mineral materials.* Only those specified mineral materials found within the area designated in the contract or permit may be extracted and removed.

(b) *Unauthorized removal (trespass) of mineral materials.* The removal of mineral materials from National Forest lands, except when authorized in accordance with applicable law and regulations of the Department of Agriculture, is prohibited (36 CFR 261.9).

(c) *Conservation.* Mineral material contracts and permits must contain

provisions to ensure the efficient removal and conservation of the mineral material.

(d) *Improvements.* Contracts and permits must contain provisions for removal or Government retention of improvements.

(e) *Use of existing National Forest Development Roads.* The authorized officer may require purchasers and permittees to obtain appropriate road-use permits, make deposits for or perform their commensurate share of road maintenance, and comply with road-use rules contained in 36 CFR Part 212, depending upon their planned extent of road use.

(f) *Reclamation.* Requirements for reclamation of areas disturbed by mineral material operations must be included in contracts and permits, except for disposals from community sites and common-use areas.

§ 228.48 Appraisal and measurement.

(a) *Appraisal.* All mineral materials for sale must be appraised to determine fair market value. Appraisals must be based on knowledge of the extent of the deposit, quality of material, and economic value. A sale must not be made at less than the appraised value which may be expressed as either price per cubic yard or weight equivalent. In all cases the units of measurement must correspond to the units used in the appraisal. The authorized officer must estimate and record the amount and value of minerals to be disposed of by free-use permit.

(b) *Measurement.* The amount of mineral material actually removed may be measured by volume, weight, truck tally, by combination of these methods, or by such other form of measurement as the authorized officer determines to be appropriate and in the public interest.

§ 228.49 Reappraisal.

If an extension of time is granted as provided in § 228.53(b), the authorized officer must reappraise or reestimate the mineral materials covered by the contract or permit and which remain unexcavated at the time of extension. The recalculated unit value becomes the new unit value for the remaining unexcavated material; excavated and stockpiled material is not subject to reappraisal.

§ 228.50 Production records.

At least annually, the purchaser or permittee must furnish a record of the volume extracted, in cubic yards or weight equivalent, to the authorized officer. The units of measurement must correspond to the units used in the appraisal or estimate.

§ 228.51 Bonding.

(a) *Bond requirements.* Before operations may begin under any contract or permit, a bond must be furnished to the authorized officer to ensure performance of payment (as necessary), reclamation, and other conditions of the contract or permit, except as noted in paragraphs (a) (1) and (3) of this section, where the authorized officer may waive such bonding. If an extension of time is granted as provided in § 228.53(b), the bond requirements must be recalculated and changed accordingly.

(1) For *advance payment contracts* for 10,000 cubic yards or more in volume (or weight equivalent), a bond of not less than 10 percent of the total contract price or the value of the estimated annual production (whichever is less), plus the reclamation cost for the area covered by annual mining, is required. When the total volume is less than 10,000 cubic yards, bond requirements, if any, are at the discretion of the authorized officer.

(2) For any *defered payment contract,* a bond equalling the value of the estimated annual production plus the reclamation cost for the area covered by annual mining is required.

(3) For *free use,* the authorized officer may require a reclamation bond which must be sufficient to cover the cost of reclamation of the anticipated annual work.

(b) *Types of bonding.* A bond must be one of the following:

(1) A bond of a corporate surety shown on the latest approved list issued by the U.S. Treasury Department and executed on an approved standard form;

(2) A cash bond;

(3) Negotiable securities of the United States;

(4) An irrevocable letter of credit acceptable to the Forest Service;

(5) A performance bond required by other Forest Service contracts or permits, provided the bond covers the performance and reclamation requirements related to the removal of mineral material from a designated pit or area for use in the performance of the contract or permit; or

(6) Any other types of bond specified in the Forest Service Manual.

§ 228.52 Assignments.

(a) *Limitations.* A purchaser or permittee may not assign the contract or permit, or any interest therein, without the written approval of the authorized officer.

(b) *Requirements of assignee.* The authorized officer will not approve any proposed assignment involving contract or permit performance unless the assignee:

(1) Submits information necessary to assure the authorized officer of the assignee's ability to meet the same requirements as the original purchaser or permittee (assignor); and

(2) Furnishes a bond or obtains a commitment from the previous surety to be bound by the assignment when approved.

(c) *Rights and obligations.* Once the authorized officer approves an assignment, the assignee is entitled to all the rights and is subject to all of the obligations under the contract or permit, and the original purchaser or permittee may be released from any further responsiblity under the contract or permit.

§ 228.53 Term.

(a) *Time allowed.* Except as provided in § 228.61(f), § 228.62(b), and elsewhere in this paragraph, a contract or permit may not exceed 1 year from the effective date of the contract or permit unless a written extension is obtained. For those mineral materials sold under a duration of production contract or under a contract for the sale of all mineral material within a specified area, or under a construction contract where removal cannot reasonably take place before completion of other work under the same contract, the authorized officer will establish a reasonable time period for removal.

(b) *Extension of time.* If it is shown that a delay in removal was due to causes beyond the control of the purchaser or permittee, the authorized officer may grant an extension, not to exceed 1 year, upon written request. Written requests for extensions of contracts must be received between 30 and 90 days before the expiration date of the contract. Written requests for extensions of permits must be received between 15 and 90 days before the permit expiration date. The authorized officer may grant a total of two extensions for contracts and permits.

§ 228.54 Single entry sales or permits.

The purchaser or permittee is required to reclaim a single entry source in accordance with an approved operating plan which describes operating procedures and reclamation measures, unless the requirement is waived by the authorized officer.

§ 228.55 Cancellation or suspension.

The authorized officer may cancel or suspend a contract, permit, or prospecting permit if the purchaser or permittee fails to comply with its terms and conditions. If the noncompliance is unnecessarily or unreasonably causing injury, loss, or damage to surface resources, the authorized officer may cancel or suspend the contract, permit, or prospecting permit immediately. In cases where noncompliance is of a less serious nature, the authorized officer may cancel or suspend a contract, permit, or prospecting permit it such noncompliance continues for 30 days after service of written notice by the authorized officer. If the noncompliance is not corrected, the authorized officer may attach the bond to ensure compliance with the provisions of the contract, permit, or prospecting permit.

§ 228.56 Operating plans.

Any surface-disturbing operation under a contract, permit, or prospecting permit is subject to prior approval by the authorized officer of an operating plan and to reasonable conditions as may be required to ensure proper protection of the environment and improvements, including timely reclamation of disturbed lands. Significant changes to operations require prior approval of an amended operating plan. The operating plan must include, as a minimum, a map and explanation of the nature of the access, anticipated activity, surface disturbance, and intended reclamation including removal or retention of structures and facilities. Operating plans must be submitted by the purchaser, permittee, or prospecting permittee, except as noted in § 228.64(b).

Types and Methods of Disposal

§ 228.57 Types of disposal.

Except as provided in § 228.41(b), disposal of mineral materials may be made by:

(a) *Competitive sale* to the highest qualified bidder after formal advertising and other appropriate public notice;

(b) *Sale by negotiated contract.* (1) For removal of materials to be used in connection with a public works improvement program on behalf of a Federal, State, or local government agency if the public exigency will not permit delays incident to advertising, or

(2) For the removal of mineral materials for which it is impracticable to obtain competition;

(c) *Preference right negotiated sale* to the holder of a Forest Service-issued prospecting permit under which a suitable mineral material deposit has been demonstrated on acquired National Forest lands;

(d) *Free use* when a permit is issued to any nonprofit association, corporation, individual, or others listed in § 228.62(d), for other than commercial purposes, resale, or barter, or to any Federal, State, county, local unit, subdivision, municipality, or county road district for use in public projects; or

(e) *Forest Service force account or by contract* where the material is to be used to carry out various Forest Service programs involving construction and maintenance of physical improvements.

§ 228.58 Competitive sales.

(1) *Invitation for bid.* Sales must be conducted as described below after inviting competitive bids through publication and posting. The authorized officer may not offer a competitive sale unless there is a right-of-way or other access to the sale area which is available to anyone qualified to bid.

(b) *Advertising.*—(1) *Sales over 25,000 cubic yards.* Mineral material sales offered by competitive bidding and which exceed 25,000 cubic yards must be advertised on the same day once a week for two consecutive weeks in a newspaper of general circulation in the area where the material is located, and in a trade or industrial newspaper when considered appropriate. Notice of the sale must be posted in a conspicuous place in the office where bids are to be submitted. In addition, the authorized officer may send the advertisement directly to known interested persons. Bids may be received but not evaluated before the end of the advertising period, which may be extended at the discretion of the authorized officer.

(2) *Content of advertising.* The advertisement of sale must specify the location by legal description of the tract or tracts or by any other means identify the location of the mineral material deposit being offered, the kind of material, estimated quantities, the unit of measurement, appraised price (which sets the minimum acceptable bid), time and place for receiving and opening of bids, minimum deposit required, major special constraints due to environmental considerations, available access, maintenance required over haul routes, traffic controls, required use permits, required qualifications of bidders, the method of bidding, bonding requirement, notice of the right to reject any or all bids, the office where a copy of the contract and additional information may be obtained, and additional information the authorized officer deems necessary.

(3) *Advertising smaller sales.* Advertisement of mineral materials amounting to 25,000 cubic yards in volume (or weight equivalent) or less must be published and/or posted. The methods of advertisement are at the discretion of the authorized officer.

(c) *Conduct of sales.* (1) Bidding at competitive sales may be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder will be determined by oral auction among those tied bidders; when no oral bid is higher that the sealed bids, the selected bidder will be determined by lot, the purchase price being the amount of the tied bid. For all oral auctions, including those used to break sealed-bid ties, the high bidder must confirm the bid in writing immediately upon being declared the high bidder. The authorized officer must mail notification of the bidding results to all bidders within 10 days.

(2) The authorized officer may require bidders to furnish evidence of qualification at the time of award or, if such evidence has already been furnished and is still valid, make appropriate reference to the record containing it.

(3) When it is in the interest of the United States to do so, the authorized officer may reject any or all bids.

(d) *Bid deposits and award of contract.* Sealed bids must be accompanied by a deposit. For mineral materials offered at oral auction, bidders must make the deposit before opening of the bidding.

(1) Bid deposits must be equal to 10 percent of the appraised value but not less than $100.00.

(2) Bid deposits must be in the form of cash, money order, bank drafts, cashier's or certified checks made payable to the Forest Service, or bonds acceptable to the Forest Service (§ 228.51(b)).

(3) Upon conclusion of the bidding, the authorized officer will return the deposits of all unsuccessful bidders. The successful bidder's deposit will be applied toward the purchase price. If the contract is not awarded to the high bidder due to an inability to perform the obligations of the contract, the deposit, less expenses and damages incurred by the United States, may be returned. The return of a deposit does not prejudice any other rights or remedies of the United States. The contract may be offered and awarded to the next successive qualified high bidder, or, at the discretion of the authorized officer, the sale may be either readvertised or negotiated if it is determined that a competitive sale is impracticable.

(4) Within 30 days after receipt of the contract, the successful bidder must sign and return the contract, together with any required bond, unless the authorized officer has granted an extension for an additional 30 days. The bidder must apply for the extension in writing within the first 30-day period. If the successful bidder fails to return the contract within the first 30-day period or within an approved extension, the bid deposit, less the costs of readvertising and damages, may be returned without prejudice to any other rights or remedies of the United States.

(5) All sales must be processed on Forest Service-approved contract forms. The authorized officer may add provisions to the contract to cover conditions peculiar to the sale area. Such additional provisions must be made available for inspection by prospective bidders during the advertising period.

§ 228.59 Negotiated or noncompetitive sales.

(a) *Volume limitations.* When it is determined by the authorized officer to be in the public interest and when it is impracticable to obtain competition, mineral materials not exceeding 100,000 cubic yards in volume (or weight equivalent) may be sold in any one sale at not less than the appraised value, without advertising or calling for bids, except as provided in paragraphs (b) and (c) of this section. The authorized officer may not approve noncompetitive sales that exceed the total of 200,000 cubic yards (or weight equivalent) made in any one State for the benefit of any applicant in any period of 12 consecutive months.

(b) *Government programs.* In connection with a public works improvement project on behalf of a Federal, State, or local governmental agency, the authorized officer may sell to an applicant, at not less than the appraised value, without advertising or calling for bids, a volume of mineral materials not to exceed 200,000 cubic yards (or weight equivalent) when the public exigency will not permit delays incident to advertising (30 U.S.C. 602).

(c) *Appropriation for highway purposes.* For interstate and/or Federal aid highways, the Secretary of Transportation may appropriate any volume in accordance with 23 U.S.C. 107 and 317.

(d) *Use in development of Federal mineral leases.* When it is determined to be impracticable to obtain competition and the mineral materials are to be used in connection with the development of mineral leases issued by the United States (§ 228.44), the authorized officer may sell to a leaseholder a volume of mineral material not to exceed 200,000 cubic yards (or weight equivalent) in one State in any period of 12 consecutive months. No charge will be made for materials which must be moved in the process of extracting the mineral under lease, as long as the materials remain stockpiled within the boundaries of the leased area.

§ 228.60 Prospecting permits.

(a) *Right conferred.* On acquired National Forest lands, prospecting permits may be issued which grant the permittee the exclusive right to explore for and to demonstrate the existence of a suitable mineral material deposit when existing information is insufficient. After the demonstration of a suitable deposit and confirmation of this by the authorized officer, the permittee will have a preference right to apply for a negotiated sale.

(b) *Limitations.* Mineral material may be removed from lands under a prospecting permit only to the extent necessary for testing and analysis or for the demonstration of the existence of a suitable deposit.

(c) *Environmental analysis.* Prospecting permits will be issued only after submission by applicant and approval by the authorized officer of a detailed operating plan. The authorized officer may require a bond in accordance with § 228.51. The authorized officer must ensure compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(d) *Acreage and permit limitations.* A prospecting permit may not cover more than 640 acres. No individual or group may have an interest at any one time in more than three prospecting permits on Forest Service lands administered by one Forest Supervisor.

(e) *Duration and extension of permits.* Prospecting permits may be issued for a period not to exceed 24 months, but they may be extended once for up to an additional 24 months if necessary to complete prospecting. Any application for extension must be submitted no later than 30 days before the expiration of the permit. The application for extension must provide evidence of diligence and state the reasons why additional time is considered necessary to complete prospecting work.

(f) *Refusal to extend permits.* The authorized officer may reject applications for extension of prospecting permits for the following reasons:

(1) *Failure to perform.* Failure of the permittee to perform prospecting or exploration work without adequate justification may result in the denial of an extension; or

(2) *Failure to apply.* If an application for extension is not submitted within the specified period, the permit may expire without notice to the permittee.

(3) *Public interest.* If the authorized officer determines that an extension may not be in the public interest, the application may be rejected.

§ 228.61 Preference right negotiated sales.

(a) *Qualification for sale.* When applying for a preference right negotiated sale, the permittee must demonstrate to the satisfaction of the authorized officer that a suitable deposit of mineral material has been discovered within the area covered by the prospecting permit. Information concerning trade secrets and financial matters submitted by the permittee and identified as confidential will not be available for public examination except as otherwise agreed upon by the permittee.

(b) *Application for sale.* The application must be submitted to the District Ranger's office on or before the expiration date of the prospecting permit or its extension. The authorized officer may grant 30 additional days for submitting the application if requested in writing by the permittee before expiration of the prospecting permit or its extension.

(c) *Terms and conditions of contract.* The terms and conditions will be evaluated on an individual case basis. Only those mineral materials specified in the contract may be removed by the purchaser. Before a preference right negotiated contract is awarded, the authorized officer must ensure that an environmental analysis is conducted. All contracts are subject to the conditions under §§ 228.47 through 228.56.

(d) *Acreage limitations.* The authorized officer will determine the amount of acreage in the preference right negotiated sale based on a presentation of the permittee's needs. The maximum acreage allowable to any individual or group must not exceed 320 acres on National Forest lands administered by one Forest Supervisor. The allowable acreage may be in one or more units which are not necessarily contiguous.

(e) *Volume limitations.* Preference right negotiated sales are exempt from volume limitations.

(f) *Contract time allowable.* A contract or a renewal must not exceed 5 years; however, the purchaser may have renewal options at the end of each contract or renewal period. The

authorized officer may renew a contract if it is determined that the renewal is not detrimental to the public interest and that the purchaser has demonstrated diligence in conducting operations. The authorized officer may cancel the contract, or the purchaser may forfeit the contract, if no substantial commercial production occurs during any continuous 2-year period after the award of the contract or if the contract terms and conditions are breached. However, if a delay is caused by conditions beyond the purchaser's control, the authorized officer may grant an extension equal to the lost time.

(g) *Contract renewal reappraisal.* At the time of contract renewal, the authorized officer will reappraise the mineral material deposit in accordance with § 228.49.

§ 228.62 Free use.

(a) *Application.* An application for a free-use permit must be made with the appropriate District Ranger's office.

(b) *Term.* Permits may be issued for periods not to exceed 1 year and will terminate on the expiration date unless extended by the authorized officer as in § 228.53(b). However, the authorized officer may issue permits to any local, State, Federal, or Territorial agency, unit or subdivision, including municipalities and county road districts, for periods up to 10 years.

(c) *Removal by agent.* A free-use permittee may extract the mineral materials through a designated agent provided that the conditions of the permit are not violated. No part of the material may be used as payment for the services of an agent in obtaining or processing the material. A permit may be issued in the name of a designated agent for those entities listed in § 228.62(d)(1), at the discretion of the authorized officer, provided there is binding agreement in which the entity retains responsibility for ensuring compliance with the conditions of the permit.

(d) *Conditions.* Free-use permits may be issued for mineral materials to settlers, miners, residents, and prospectors for uses other than commercial purposes, resale, or barter (16 U.S.C. 477). Free-use permits may be issued to local, State, Federal, or Territorial agencies, units, or subdivisions, including municipalities, or any association or corporation not organized for profit, for other than commercial or industrial purposes or resale (30 U.S.C. 601). Free-use permits may not be issued when, in the judgment of the authorized officer, the applicant owns or controls an adequate supply of mineral material in the area of demand. The free-use permit, issued on a Forest Service-approved form, must include the basis for the free-use as well as the provisions governing the selection, removal, and use of the mineral materials. No mineral material may be removed until the permit is issued. The permittee must notify the authorized officer upon completion of mineral material removal. The permittee must complete the reclamation prescibed in the operating plan (§ 228.56).

(1) A free-use permit may be issued to any local, State, Federal, or Territorial agency, unit, or subdivision, including municipalities and county road districts, without limitation on the number of permits or on the value of the mineral materials to be extracted or removed.

(2) A free-use permit issued to a nonprofit association, corporation, or individual may not provide for the removal of mineral materials having a volume exceeding 5,000 cubic yards (or weight equivalent) during any period of 12 consecutive months.

(e) *Petrified wood.* A free-use permit may be issued to amateur collectors and scientists to take limited quantities of petrified wood for personal use. The material taken may not be bartered or sold. Free-use areas may be designated within which a permit may not be required. Removal of material from such areas must be in accord with rules issued by the authorized officer and posted on the area. Such rules must also be posted in the District Ranger's and Forest Supervisor's offices and be available upon request. The rules may vary by area depending on the quantity, quality, and accessibility of the material and the demand for it.

§ 228.63 Removal under terms of a timber sale or other Forest Service contract.

In carrying out programs such as timber sales that involve construction and maintenance of various physical improvements, the Forest Service may specify that mineral materials be mined, manufactured, and/or processed for incorporation into the improvement. Where the mineral material is located on National Forest lands and is designated in the contract calling for its use, no permit is required as long as an operating plan as described in § 228.56 is required by the contract provisions. Title to any excavated material in excess of that needed to fulfill contract requirements revests in the United States without reimbursement to the contract holder or to agents or representatives of the contract holder. Such excess material may be disposed of under §§ 228.58, 228.59, or 228.62.

§ 228.64 Community sites and common-use areas.

(a) *Designation.* Nonexclusive disposals may be made from the same deposit or areas designated by the authorized officer; the designation of such an area and any reclamation requirements must be based on an environmental analysis.

(b) *Pit plans.* The Forest Service must prepare operating plans (§ 228.56) for the efficient removal of the material and for appropriate reclamation of community sites and common-use areas.

(c) *Reclamation.* The Forest Service is responsible for reclamation of community sites and common-use areas.

§ 228.65 Payment for sales.

(a) *Conditions.* Mineral materials may not be removed from the sale area until all conditions of payment in the contract have been met.

(b) *Advance payment.* (1) For negotiated and competitive sales the full amount may be paid before removal is begun under the contract or by installment at the discretion of the authorized officer. Installment payments must be based on the estimated removal rate specified in the operating plan and must be, as a minimum, the value of 1 month's removal. The first installment must be paid before removal operations are begun; remaining installments must be paid in advance of removal of the remaining materials as billed by the authorized officer. The total amount of the purchase price must be paid at least 60 days before the expiration date of the contract.

(2) All advance payment contracts must provide for reappraisal of the mineral material at the time of contract renewal or extension.

(3) Minimum annual production must be sufficient to return a payment to the United States equal to the first installment. In lieu of minimum production, there must be an annual payment in the amount of the first installment which will not be credited to future years' production. Payments for or in lieu of minimum annual production must be received by the authorized officer on or before the anniversary of the effective date of the contract.

(4) If the purchaser fails to make payments when due, the contract will be considered breached; the authorized officer will terminate the contract, and all previous payments will be forfeited without prejudice to any other rights and remedies of the United States. Forfeiture will not result when the purchaser is unable to meet the minimum annual production (volume or

value) for reasons beyond the purchaser's control.

(5) In order to determine payment amount, the purchaser must make a report of operations. The report must include the amount of mineral material removed, which must be verified by the authorized officer.

(c) *Deferred payments.* The authorized officer may approve deferred payments for sales.

(1) The purchaser may make payments monthly or quarterly which must be based on the in-place value (volume or weight equivalent) of material removed during the contract period. The units of measurement must correspond to the units used in the appraisal. The purchaser must make all payments before contract renewal.

(2) The purchaser must deliver a bond which conforms to the provisions of § 228.51(a)(2) to the authorized officer before operations are begun under the contract.

§ 228.66 Refunds.

Upon termination of any contract, payments in excess of $10 may be refunded, less the costs incurred by the United States, under any of the following conditions:

(a) *Payment in excess of value.* If the total payment exceeds the value of the mineral material removed, unless it is the minimum annual payment in lieu of production;

(b) *Insufficiency of material.* If insufficient mineral material existed in the sale area to provide the quantity of material estimated to have been available;

(c) *Termination.* (1) If the contract is terminated by the authorized officer for reasons which are beyond the purchaser's control; or

(2) If the contract is terminated by mutual agreement. This refund provision is not a warranty that a specific quantity of material exists in the sale area.

§ 228.67 Information collection requirements.

(a) The following sections of this rule contain information collection requirements as defined in the Paperwork Reduction Act of 1980 (5 CFR 1320): § 228.45, Qualifications of applicants; § 228.51, Bonding; § 228.52(b)(1), Requirements of assignee; § 228.53(b), Extension of time; § 228.56, Operating plans; § 228.57(c), Conduct of sales; § 228.60, Prospecting permits; § 228.61, Preference right negotiated sales; and § 228.62, Free use.

(b) These requirements have been approved by the Office of Management and Budget and assigned Clearance Number 0596–0081.

Dated: June 29, 1984.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 84–19443 Filed 7–23–84; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR–FRL–2636–5]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: The USEPA announces final rulemaking on the Illinois State Implementation Plan (SIP) for lead in the Granite City area. This SIP is designed to provide for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for lead. USEPA proposed approval of the Illinois Granite City area Lead Plan in the December 29, 1983 (48 FR 57324) **Federal Register,** with the understanding that the lack of an enforceable mechanism to implement the proposed control strategy would be corrected by the time of final rulemaking. During the public comment period, one comment was received by USEPA from the State of Illinois. On March 19, 1984, the State of Illinois submitted all of the required consent decrees which provide the enforcement authority necessary to implement the control strategy. USEPA has reviewed this additional information and determined that it satisfies the one remaining deficiency in the Lead Plan. Therefore, USEPA approves the entire Illinois Lead Plan for the Granite City area in today's **Federal Register.**

EFFECTIVE DATE: This final rulemaking becomes effective on August 23, 1984.

ADDRESSES: Copies of this revision to the Illinois SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Anne E. Tenner, at (312) 886–6036 before visiting the Region V Office).

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886–6036.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1978, USEPA promulgated the National Ambient Air Quality Standards (NAAQS) for lead (43 FR 56258). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (Mg/m^3) maximum arithmetic mean, as averaged over a calendar quarter. Section 110(a)(1) of the Clean Air Act (Act), requires each State to submit a SIP which provides for the attainment and maintenance of the primary and secondary NAAQS.

In the March 22, 1982, **Federal Register** (47 FR 12164), USEPA approved the Illinois lead SIP in all areas of the State, with the exception of the Granite City, Madison, and Venice geographic areas in Madison County. USEPA approved the Illinois Lead SIP, with the understanding that the State would at a later date develop a control plan for the Granite City area which would assure attainment and maintenance of the NAAQS.

On September 30, 1983, the State of Illinois submitted a Lead Plan to USEPA designed to assure attainment and maintenance of the NAAQS in the Granite City area. The Illinois Plan includes a discussion of air quality data measured since 1978, an emission inventory of three source categories capable of emitting lead, atmospheric modeling analyses, and necessary control strategies. In developing the point source emission inventory, the State identified three stationary sources that have the potential to emit lead. These sources are: Taracorp Inc., St. Louis Lead Recyclers, and Granite City Steel. The emissions inventory shows that only Taracorp is large enough to qualify as a "point source", a stationary source emitting lead in excess of 5 tons/year.

USEPA proposed approval of the Illinois Granite City area Lead Plan in the December 29, 1983 (48 FR 57324) **Federal Register,** with the understanding that the State of Illinois would develop an enforceable mechanism to implement the proposed control strategy by the time of final rulemaking.

The State, in response to USEPA's concerns, developed an enforceable mechanism to implement the control strategy in the form of State court consent decrees. On March 16, 1984, the consent decrees were signed by the State and the affected industries (Taracorp Inc., St. Louis Lead Recyclers, Tri-City Truck Plaza (B.V. and G.V. Transport Company), Stackorp Inc., and First Granite City National Bank), and were entered and approved by the Circuit Court of the Third Judicial District of Madison County, Illinois. These consent decrees were formally submitted to USEPA on March 19, 1984, to correct outstanding deficiency in the Lead SIP. The decrees adequately respond to the deficiencies noted by USEPA in the draft versions as explained below.

These consent decrees will implement all the proposed control strategies that were contained in Strategy No. 6 of the September 30, 1983, SIP submittal. Since the notice of proposed rulemaking was published in the December 29, 1983 (48 FR 57324) **Federal Register**, the proposed control strategy selected by the State was changed from strategy No.7 to strategy No. 6. Detailed information on both of these control strategies may be obtained in the December 29, 1983, (48 FR 57324) **Federal Register** and technical support documents located at Region V's office.

Strategy No. 6, as well as strategy No. 7 had been evaluated by USEPA in the December 29, 1983, notice of proposed rulemaking, and both were determined to be acceptable to ensure the attainment and maintenance of the lead NAAQS. The verification of the effectiveness of strategy 6 showed that the maximum predicted concentration was 1.40 Mg/m^3 at a receptor located 25m west of the 15th Street Madison Street monitor. Additional information on the State's modeling analysis may be found in the December 29, 1983, Federal Register, or the September 30, 1983, SIP submittal, and technical support documents located at the Region V's office.

The revised strategy 6 control plan, as summarized below, requires Taracorp to:

a. Install hooding for the blast furnace's skip hoist and charging area to provide at least 90% capture and to vent emissions to an appropriate control device capable of at least 99.8% control; install hooding in the slag tapping area to provide at least 95% capture and to vent emissions to an appropriate control device capable of at least 99.8% control; and install hooding in the lead tapping and casting area to provide at least 90% capture prior to its operation.

b. Install exhaust hoods and appropriate control device for all lead kettles in the Mixed Metals B department, with exhaustion to a subsequent control device capable of at least 99.8% control; such equipment must be installed no later than October 1, 1985. Performance testing [1] must be completed no later than December 31, 1985.

c. Upgrade baghouse controls on powdered lead department to achieve 99.9% control efficiency, such equipment must be upgraded no later than October 1, 1985, and performance testing [1] must be completed no later than December 31, 1985.

d. Not operate the rotary furnace or the batch mixer at Mixed Metals A or any emission source not now permitted until appropriate operating permits are issued by IEPA.

In addition, the plan contains a fugitive dust control plan which requires Taracorp to:

1. Define all routes of vehicular traffic on its grounds, using painted lines. Should such painted lines prove to be unsuccessful in limiting vehicular traffic to the defined areas, install physical barriers, such as posts to define all such routes. Taracorp will submit to IEPA a map of its grounds with defined vehicular traffic areas delineated.

2. Apply an A–2 asphaltic treatment on all defined roadways, parking lots, and all other areas of possible vehicular traffic. Taracorp will provide a map delineating the areas to be provided the A–2 asphaltic treatment. Both of these items must be completed no later than October 1, 1984.

3. Seed and vegetate in the Spring of 1984, all non-traffic unpaved areas on the plant grounds with a suitable cover crop. No later than October 1, 1984, Taracorp will treat open areas that cannot easily support vegetative cover with an asphaltic coating renewed as necessary to prevent fugitive emissions. Taracorp will use a dust suppressant beginning on or before, May 1, 1984, and repeat as necessary to control fugitive emissions. Taracorp will use either a petroleum resin base or an asphalt emulsion surfactant.

4. Clean all paved or treated areas with a vacuum sweeper at least once each week or anytime an accumulation of dust is observed. When operating the blast furnace, Taracorp will clean continuously, when weather permits, all regularly used truck traffic areas and the areas around the battery saw house, dross storage building, blast furnace, and raw materials storage pile.

5. Remove accumlated mud from paved or treated areas using a small loader or hand shovel as necessary. After wetting, the material will be placed in containers for proper disposal.

6. Require all traffic entering or leaving the plant site to use the main gate. Taracorp will prohibit any vehicle used for on-site material handling from leaving its grounds unless such vehicle is properly cleaned by a wheel washing device prior to its departure.

7. Eliminate all vehicular traffic on the large lead waste pile located on Taracorp, Incorporated's grounds, except as it is necessary to effect removal of the pile for recycling purposes, disposal or treatment and then in such a manner as to minimize fugitive missions.

8. Fence all of its grounds not presently fenced with suitable fencing materials so as to reduce wind erosion and inhibit public access. This must be completed no later than October 1, 1984.

9. Contain in bags or other enclosed containers all flue dust from the point of collection (cyclone baghouse, etc.) take the flue dust to the skip hoist to be dumped directly into the blast furnace. This was to have been implemented no later than the date of entry of the Consent Decree. Storage of open flue dust in any building is prohibited including flue dust augered to dross storage area, except that Taracorp shall dispose of the flue dust presently stored in the dross storage area by April 1, 1984. All flue dust must be placed in sealed containers during transport and storage.

Three Taracorp emission sources considered in the consent decree are not currently in operation (the blast furnace, rotary furnace, and batch mixer in Mixed Metals A). Should Taracorp seek to operate any of these emission sources, they must apply for and receive operating permits from the State. Both the State and USEPA have determined that prior to the renewed operation of these facilities, the emission sources would be subject to the requirements of the State's rules for issuance of permits to new or modified air pollution sources of lead. Any permit issued to Taracorp to resume operation of these sources would automatically be federally enforceable under the lead new source review program. Any permit issued to Taracorp to resume operation of these sources must contain specific emission

[1] Performance testing is a procedure by which the collection efficiency of the control device is determined by measuring the lead (pb) concentration of the flue gas at the inlet and outlet of the control device. The test method shall be in accordance with the test procedure described in 40 CFR Part 60 Appendix A Method 12 (Determination of lead emissions from stationary sources) and Methods 1–5.

limitations to ensure the attainment and maintenance of the ambient air quality standard, and reflect the emission reduction requirements contained in the consent decree.

Taracorp also agreed to perform the following waste pile controls: beginning on or before May 1, 1984, to spray the slag/waste pile with a stabilizing material capable of attaining 75% control of the emission from the pile. Taracorp will use either a petroleum resin base or an asphalt emulsion surfactant.

Specific details on the control strategies summarized above, construction schedules, and test methods are contained in the March 19, 1984, consent decrees which are available for review at Region V's office. USEPA has determined that the change from strategy 7 to strategy 6 is not significant so as to require a reproposal. Both strategies were described and evaluated in the proposal and associated technical materials in the docket. Moreover, the change occurred prior to the end of the public comment period.

The control strategies for St. Louis Lead Recyclers and Tri-City Trucking, Inc., consist of implementing a fugitive dust control plan for non-process sources. These control strategies have not been changed since the publication of the notice of proposal in the December 29, 1983 (48 FR 57325) **Federal Register.**

The consent decrees incorporating these control strategies are available for review at Region V's office.

USEPA has evaluated the Illinois lead SIP for the Granite City area by comparing it to the requirements for an approvable SIP as set forth in 40 CFR Part 51, Subpart E. USEPA has reviewed the March 19, 1984, consent decrees submitted by the State of Illinois. The signed consent decrees between the State and the affected industries which have been entered and approved by the Court satisfy the one remaining deficiency in the Illinois lead SIP for the Granite City area. The State of Illinois submitted a public comment which supported USEPA's action.

No other public comments were received by the Agency. Therefore, since the State submitted signed consent decrees that satisfy the requirement for an enforceable mechanism in the lead SIP to implement the proposed control strategy, USEPA approves the entire Illinois lead SIP for the Granite City area in today's **Federal Register.**

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110, 301, and 319 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601, and 7619).

Dated: July 18, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

Title 40 of the Code of Federal Regulations amended as follows:

1. Section 52.720(c) is amended by adding paragraph (53) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(53) On September 30, 1983, the State submitted a revision to the Illinois State Implementation Plan in the form of a lead plan to assure attainment and maintenance of the NAAQS in the Granite City area. The Illinois plan includes a discussion of air quality data measured since 1978, an emission inventory of three source categories capable of emitting lead, atmospheric modeling analyses and proposed necessary control strategies. On March 19, 1984, the State submitted five consent decrees entered by the State of Illinois with the Circuit Court for the Third Judicial Circuit of Madison County and filed March 16, 1984, for incorporation in the lead plan. These include *People of the State of Illinois* vs. *Taracorp, Inc.; People of the State of Illinois* vs. *St. Louis Lead Recyclers; People of the State of Illinois* vs. *First Granite City National Bank; People of the State of Illinois,* vs. *Stackorp Inc.;* and *People of the State of Illinois* vs. *B.V. and G.V. Transport Company.*

* * * * *

[FR Doc. 84-19482 Filed 7-23-84; 8:45 am]

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40 CFR Part 421

[OW-FRL-2637-2]

Water Pollution; Nonferrous Metals Manufacturing Point Source Category, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting several errors in the effluent limitations guidelines, pretreatment standards and new source performance standards for the nonferrous metals manufacturing point source category which appeared in the **Federal Register** on March 8, 1984 (49 FR 8742). This document corrects errors in both the preamble and 40 CFR Part 421.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Berlow at (202) 382-7126.

SUPPLEMENTARY INFORMATION: On March 8, 1984, EPA published final effluent limitations guidelines and standards for the nonferrous metals manufacturing point source category (40 CFR Part 421; 49 FR 8742). Both the preamble and the regulation contained several errors. These errors are discussed briefly below and are corrected by this notice.

Section IX of the preamble, Public Participation and Response to Major Comments, provides in the response to the first comment an example of the methodology a permit writer may use to develop mass limitations for unregulated waste streams. (See 49 FR at 8778/2-3.) The first sentence of the final paragraph of the response to comment number one is ambiguous. The sentence was intended to describe what a permit writer should do to develop a mass discharge limitation for a site-specific waste stream *if the permit writer makes a threshold determination that the waste stream is sufficiently contaminated to require a discharge allowance and further determines that combined treatment with other process wastewater is appropriate.* (The same response in fact indicates that many site-specific waste streams will not be sufficiently contaminated to warrant treatment. *Id.* at paragraphs 1 and 3 of the response.) It is not the Agency's intention that a permit writer must

provide a mass discharge allowance for each individual waste stream present at a particular facility, or that combined treatment is always appropriate. The permit writer must use his best professional judgment to decide which nonregulated waste streams are sufficiently contaminated to require treatment, and which require combined treatment with other process wastewaters. This correction removes any (unintended) implication that the permit writer lacks discretion to make these threshold findings.

In Section IX of the preamble, Public Participation and Response to Major Comments (see 49 FR at 8779/2–3), major comment number three discusses the pH range proposed and promulgated for this regulation. The response provided for the comments received on pH is in error. It is not clearly stated in this response which subcategories are affected by broadening the pH range from two and a half units to three (7.0 to 10.0). The pH range of 7.0 to 10.0 is only applicable to the primary and secondary aluminum subcategories. (The whole context of the discussion in the preamble, however, was the primary and secondary aluminum subcategories.) The pH range for all other subparts consequently is 7.5 to 10.0.

Several errors occur in Appendices C through H listing the toxic pollutants excluded from limitation under Paragraph 8(a) of the Settlement Agreement. These are corrected in this notice.

The regulatory flow used to calculate the mass limitations for delacquering wet air pollution control in §§ 421.33(e), 421.34(e), 421.35(e), and 421.36(e) was in error. A regulatory flow of 80 l/kkg of aluminum delacquered was used in the calculation. The flow should have been 333 l/kkg (80 gal/ton) of aluminum delacquered.

The conditions for which §§ 421.33 (g) and (h) and 421.34 (g) and (h) are applicable in the secondary aluminum subcategory were misstated. These sections state that the ingot conveyor casting contact cooling allowance is only applicable to those plants not operating chloride demagging. This is incorrect; the applicability of these sections is dependent on the presence of chlorine demagging, wet air pollution control rather than chloride demagging as stated. Sections 421.35 and 421.36 state this condition correctly (see 49 FR at 8759/1).

The mass limitations for the maximum for monthly average promulgated for the pollutant arsenic in Subparts E and I are in error. An incorrect treatment effectiveness concentration was used in the calculation of the mass limitations. The correct treatment effectiveness concentration is 0.62 mg/l for the maximum for monthly average.

Dated: July 17, 1984.

Henry L. Longest, II,

Acting Assistant Administrator for Water.

The following corrections are made in FR Doc. 84–2289, the Nonferrous Metals Manufacturing Point Source Category; Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards published in the **Federal Register** on March 8, 1984 (49 FR 8742).

1. On page 8747, column three, "(7) Materials handling wet air pollution control" is corrected to read "(7) Sinter plant materials handling wet air pollution control".

2. On page 8753, column three, in the third paragraph, the first sentence, "activated carbon absorption" is corrected to read "activated carbon adsorption".

3. On page 8755, column two, in the second paragraph, the second sentence, "solvent extraction raffinate wet air pollution control" is corrected to read "solvent extraction wet air pollution control".

4. On page 8760, column one, in the first line, "catastrophics form" is corrected to read "catastrophic storm".

5. On page 8763, column three, in the last paragraph, in the fourth sentence "materials handling" is corrected to read "sinter plant materials handling".

6. On page 8764, column one, in the third line, "materials handling" is corrected to read "sinter plant materials handling".

7. On page 8764, column two, in the second complete paragraph, the fourth sentence, "Secondary Lead Association" is corrected to read "Secondary Lead Smelters Association".

8. On page 8778, column three, last paragraph, first sentence, "To account for site-specific wastewater sources, the permit writer must quantify the discharge rate of the waste stream." is corrected to read "To account for site-specific wastewater sources, for which the permit writer in his best professional judgment determines that cotreatment with process wastewater is appropriate, the permit writer must quantify the discharge rate of the waste stream".

9. On page 8779, column two, paragraph three, "To facilitate meeting the aluminum limits at BPT and BAT, we have broadened the pH range from 7.5 to 10 to 7.0 to 10." is corrected to read "To facilitate meeting the aluminum limits in the primary and secondary aluminum subcategories, we have broadened the pH range in these subcategories from 7.5 to 10.0 to 7.0 to 10.0".

10. On page 8779, column three, second paragraph, "The Agency thus agrees with the commenters that the proposed 2.5 pH range is too narrow and has promulgated a pH range of 7 to 10." is corrected to read "The Agency thus agrees with the primary and secondary aluminum commenters that the proposed 2.5 pH range is too narrow and has promulgated a pH range of 7.0 to 10.0 for the primary and secondary aluminum subcategories."

11. Several typographical errors occur for toxic pollutant number 5, benzidine, in Appendix C starting on page 8784. This pollutant, stated as "5. benzidene", is corrected to read "5. benzidine". This term appears in Appendix C for the following subcategories.

Page	Subcategory
8784	Primary Aluminum.
8784	Secondary Aluminum.
8784	Primary Copper Electrolytic Refining.
8785	Primary Lead.
8785	Primary Zinc.
8786	Metallurgical Acid Plants.
8786	Primary Tungsten.
8786	Primary Columbium-Tantalum.
8787	Secondary Silver.
8787	Secondary Lead.

12. Several Typographical errors occur for toxic pollutant number 11, 1,1,1–trichloroethane, in Appendices C, D, and F starting on page 8784. This pollutant, stated as "11. 1,1,1–trichlorethane" is corrected to read "11. 1,1,1–trichloroethane". This term appears in the following appendices and subcategories.

Appendix	Page	Subcategory
C	8784	Primary Aluminum.
C	8784	Secondary Aluminum.
C	8785	Primary Lead.
D	8788	Primary Copper Electrolytic Refining.
F	8789	Secondary Silver.

13. Several typographical errors occur for toxic pollutant number 12, hexachloroethane, in Appendix C starting on page 8784. This pollutant, stated as "12. hexachlorethane", is corrected to read "12. hexachloroethane". This term appears in the following appendices and subcategories.

Appendix	Page	Subcategory
C	8784	Primary Aluminum.
C	8784	Secondary Aluminum.
C	8784	Primary Copper Electrolytic Refining.
C	8785	Primary Lead.
C	8785	Primary Zinc.
C	8786	Primary Tungsten.
C	8787	Secondary Silver.

Appendix	Page	Subcategory
C	8787	Secondary Lead.

14. Several errors occur in the listing of toxic pollutants excluded under paragraph 8 (a) of the Settlement Agreement. These errors occur in Appendix C—Toxic Pollutants not Detected, Appendix D—Toxic Pollutants Detected Below the Analytical Quantification Limit, Appendix E—Toxic Pollutants Detected in Amounts Too Small To Be Effectively Reduced by Technologies Considered in Preparing This Guideline, Appendix F—Toxic Pollutants Detected in the Effluent From Only a Small Number of Sources, Appendix G—Toxic Pollutants Effectively Controlled by Technologies Upon Which Are Based Other Effluent Limitations and Guidelines, and Appendix H—Toxic Pollutants Detected But Only in Trace Amounts and Are Neither Causing Nor Likely To Cause Toxic Effects. The appendices are corrected by the following table.

Subpart-subcategory pollutant	Incorrect appendix listing	Corrected appendix listing
Subpart B—Primary Aluminum Smelting Subcategory:		
4. benzene	E	F
23. chloroform	E	F
44. methylene chloride	E	F
55. naphthalene	F	G
77. acenaphthylene	G	F
Subpart C—Secondary Aluminum Subcategory:		
29. 1,1-dichloroethylene	E	F
30. 1,2-*trans*-dichloroethylene.	E	F
48. dichlorobromomethane	E	F
65. phenol	C	G
Subpart H—Primary Zinc Subcategory:		
4. benzene	E	F
22. parachlorometa-cresol	E	F
86. toluene	E	F
Subpart I—Metallurgical Acid Plants Subcategory:		
22. parachlorometa-cresol	E	F
23. chloroform	E	F
38. ethylbenzene	E	F
48. dichlorobromomethane	E	F
85. tetrachlorothylene	E	F
117. beryllium	D	E
Subpart J—Primary Tungsten Subcategory:		
1. acenaphthene	H	F
23. chloroform	E	F
29. 1,1-dichloroethylene	E	F
38. ethylbemzene	E	F
51. chlorodibromomethane	E	F
54. isophorone	D	E
70. diethyl phthalate	D	E
71. dimethyl phthalate	D	E
77. acenaphthy-lene	H	F
80. fluorene	H	F
85. tetrachloro-ethylene	E	H
86. toluene	E	H
114. antimony	D	E
125. selenium	D	C
Subpart K—Primary Columbium-Tantalum Subcategory:		
4. benzene	E	H
6. carbon tetrachloride	F	H
10. 1,2-dichloroethane	F	H
11. 1,1,1-trichloroethane	*	C
48. dichlorobromomethane	E	F
54. isophorone	E	F
70. diethyl phthalate	E	C
85. tetrachloro-ethylene	F	H
Subpart L—Secondary Silver Subcategory:		
11. 1,1,1-trichloroethane	F	H
30. 1,2-*trans*-dichloro ethylene.	E	H
38. ethylbenzene	E	H
84. pyrene	F	H
85. tetrachloro-ethylene	F	H
86. toluene	F	H
Subpart M—Secondary Lead Subcategory:		
7. chlorobenzene	D	C
23. chloroform	E	F
29. 1,1-dichloroethylene	D	C
56. nitrobenzene	E	F
65. Phenol	D	E
71. dimethyl phthalate	E	F
126. silver	*	G
127. thallium	*	G

*Polluntant was not listed in Appendices.

PART 421—[CORRECTED]

§ 421.22 [Corrected]

15. In 40 CFR 421.22, page 8792, column two, "Metric units—mg/kg of product" and "English units—pounds per million pounds of product" are corrected to read "Metric units—kg/kkg of product" and "English units—lbs/thousand lbs of product", respectively.

§ 421.33 [Corrected]

16. In 40 CFR 421.33(g), on page 8797, column three, "(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chloride Demagging is Not Practiced On Site)" is corrected to read "(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On Site)".

17. In 40 CFR 421.33(h), on page 8797, column three, "(h) Subpart C—Ingot Conveyer Casting Contact Cooling (When Chlorine Demagging is Not Practiced On Site)" is corrected to read "(h) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Practiced On Site)".

§ 421.34 [Corrected]

18. In 40 CFR 421.34 (d), on page 8798, column two, "BAT Effluent Limitations" is corrected to read "NSPS".

19. In 40 CFR 421.34 (g), on page 8798, column two, "(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging is Not Practiced On Site)" is corrected to read "(g) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Not Practiced On Site)".

20. In 40 CFR 421.34(h), or page 8798, column three, "(h) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging is Practiced On Site)" is corrected to read "(h) Subpart C—Ingot Conveyor Casting Contact Cooling (When Chlorine Demagging Wet Air Pollution Control is Practiced On Site)".

§§ 421.33, 421.34, 421.35, and 421.36 [Corrected]

21. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum For Any 1 Day For Lead, "0.022" is corrected to read "0.093".

22. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum for Monthly Average for Lead "0.010" is corrected to read "0.043".

23. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum for Any 1 Day for Zinc, "0.082" is corrected to read "0.340".

24. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e) and 421.36 (e), the Maximum for Monthly Average for Zinc, "0.034" is corrected to read "0.140".

§§ 421.33 and 421.34 [Corrected]

25. In 40 CFR 421, §§ 421.33 (e) and 421.34 (e), the Maximum for Any 1 Day for Aluminum, "0.489" is corrected to read "2.035".

26. In 40 CFR 421, §§ 421.33 (e) and 421.34 (e), the Maximum for Monthly Average for Aluminum, "0.217" is corrected to read "0.903".

§§ 421.33, 421.34, 421.35, and 421.36 [Corrected]

27. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum for Any 1 Day for Ammonia (as N), "10.670" is corrected to read "44.389".

28. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum for Monthly Average for Ammonia (as N), "4.688" is corrected to read "19.514".

29. In 40 CFR 421, §§ 421.33 (e), 421.34 (e), 421.35 (e), and 421.36 (e), the Maximum for Any 1 Day for Total Phenols (4-AAP method), "0.001" is corrected to read "0.004".

§ 421.34 [Corrected]

30. In 40 CFR 421.34 (e), the Maximum for Any 1 Day for Total Suspended Solids, "1.200" is corrected to read "4.995".

31. In 40 CFR 421. 34 (e), the Maximum for Monthly Average for Total Suspended Solids, "0.960" is corrected to read "3.996".

32. In 40 CFR 421.34 (e), the Maximum for Any 1 Day for Oil and Grease, "0.800" is corrected to read "3.330".

33. In 40 CFR 421.34 (e), the Maximum for Monthly Average for Oil and Grease, "0.800" is corrected to read "3.330".

34. Several errors in the pH range occur in 40 CFR 421 Subparts E, G, H, I,

J, K, L, and M. The footnote for pH "within the range of 7.0 to 10.0 at all times." is corrected to read "within the range of 7.5 to 10.0 at all times." wherever it appears in the following sections:

Subpart	Subcategory	Section	Page
E	Primary Electrolytic Copper Refining.	421.54	8802
G	Primary Lead	421.72	8804
		421.74	8805
H	Primary Zinc	421.84	8809
I	Metallurgical Acid Plants.	421.94	8811
J	Primary Tungsten	421.102	8812
		421.104	8814
K	Primary Columbium-Tantalum.	421.112	8817
		421.114	8819
L	Secondary Silver	421.122	8821
		421.124	8823
M	Secondary Lead	421.132	8826
		421.134	8828

§§ 421.53, 421.54 and 421.56 [Corrected]

35. In 40 CFR 421, §§ 421.53(a), 421.54(a), and 421.56(a), the Maximum for Monthly Average for Arsenic, "0.284" is corrected to read "0.309".

36. In 40 CFR 421, §§ 421.53(c), 421.54(c), and 421.56(c), the Maximum for Monthly Average for Arsenic, "0.028" is corrected to read "0.031".

§§ 421.93, 421.94 and 421.96 [Corrected]

37. In 40 CFR 421, §§ 421.93, 421.94, and 421.96, the Maximum for Monthly Average for Arsenic, "1.456" is corrected to read "1.584".

§ 421.103 [Corrected]

38. In 40 CFR 421.103(k), on page 8814, column one, "t+1" should be removed.

[FR Doc. 84-19480 Filed 7-23-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

[BPO-046-N]

Medicaid Program; OMB Approval of Forms for Reporting Quarterly Expenditures for Medical Assistance

AGENCY: Health Care Financing Administration (HCFA) HHS.

ACTION: Final rule—notice concerning collection of information requirements.

SUMMARY: This notice announces the approval by the Office of Management and Budget (OMB) of the form HCFA–64, "Quarterly Medicaid Statement of Expenditures for Medical Assistance Program," an accounting statement that State Medicaid agencies must submit to HCFA each quarter to receive payments under Medicaid. We will use parts of the form to collect data to determine if a State has met certain stipulated conditions that would result in a lowering of amounts of statutorily required reductions in Medicaid payments.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: David McNally, 301–597–1398.

SUPPLEMENTARY INFORMATION: On September 30, 1982, we published in the **Federal Register** final regulations relating to reductions in Federal matching payments to States for Medicaid services for fiscal years 1982 through 1984 (47 FR 43340). These Medicaid regulations implemented statutory requirements (sections 1903(s) and 1903(t) of the Social Security Act) that Federal payments to which a State is entitled under Medicaid are to be reduced by a stated percentage of each quarter's payment in fiscal years 1982, 1983, and 1984. The regulations included provisions under which a State may lower the amount of the reduction by meeting stipulated conditions.

The vehicle for collecting data to determine if a State has met the stipulated conditions and thus is entitled to a lowered reduction is the Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program (Form HCFA–64). The HCFA–64 (which has been in use since 1978) is the accounting statement that State agencies must submit each quarter to receive payments under Medicaid. The statement is required under title XIX of the Social Security Act. It shows the disposition of Medicaid grant funds for the quarter being reported on and previous quarters, the recoupments made or refunds received by the State Medicaid agency, and income earned on grant funds. The statement serves as the vehicle for making adjustments for any identified overpayments or underpayments to the State.

Generally, under section 3507 of the Paperwork Reduction Act of 1980, the Office of Management and Budget (OMB) must approve certain information collection requirements that are imposed on the public by Federal agencies. As of the date of publication of the September 1982 final regulations, however, OMB had not approved the current version of the HCFA–64. Therefore, the preamble to those regulations specified that the public was not required to comply with the information collection requirements until OMB approved them. The preamble further stated that we would issue a notice in the **Federal Register** when this approval is obtained. Also, as a result of the statements in the final rule, the Office of the Federal Register incorporated in the yearly Code of Federal Regulations similar language as editorial notes at the end of the following sections of the regulations: § 433.209, § 433.213, and § 433.215.

This notice is to inform the agencies participating in the Medicaid program and the general public that OMB has approved the HCFA–64 and instructions for monitoring State expenditures of medical assistance funds. OMB issued this approval on December 21, 1983 under OMB No. 0938–0067. This approval expires on January 31, 1985. The OMB-approved HCFA–64 and instructions were issued to State agencies in February 1984 as Part 2, Section 2500 of the State Medicaid Manual.

(Sec. 1102 of the Social Security Act, 42 U.S.C. 1302) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Programs)

Dated: May 18, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 29, 1984.

Margaret M. Heckler,

Secretary.

[FR Doc. 84-18714 Filed 7-23-84; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2710

[Circular No. 2548]

Sales-Federal Land Policy and Management Act; Amendment to the Sales Regulations

Correction

In FR Doc. 84–18877 beginning on page 29012 in the issue of Tuesday, July 17, 1984, make the following corrections:

§ 2710.0–6 [Corrected]

1. On page 29014, third column, § 2710.0–6 (c)(1), second line, "lands" should appear before "may".

§ 2711.3–1 [Corrected]

2. On page 29015, third column, ninth line, "to submit" should appear before "oral".

§ 2711.3-3 [Corrected]

3. On page 29016, first column, § 2711.3-3 (a)(1), fourth line, "(a)" should read "(1)".

BILLING CODE 1505-01-M

43 CFR Public Land Order 6556

[AR 031029 and 13401]

Arizona; Transfer of Jurisdiction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers administrative jurisdiction of 4.92 acres from the Bureau of Reclamation to Fish and Wildlife Service for the purpose of constructing an administrative site. The land has been and will remain closed to surface entry and mining, but not mineral leasing.

EFFECTIVE DATE: July 24, 1984.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described land which was reserved by Departmental Order of March 14, 1929, for use of the Bureau of Reclamation is hereby transferred to the Fish and Wildlife Service and reserved for use by that agency.

Gila and Salt River Meridian, Arizona

T. 1 S., R. 23 W.,

Sec. 6, that portion of the W½SE¼SE¼ lying west of Cibola Road and south of a field road and specifically described as follows:

Beginning at the east one-sixteenth corner between section six (6) and seven (7), being a set U.S. Fish and Wildlife Service monument; thence along the east one-sixteenth line of said section six (6) and the east boundary line of United States Tract(1a), N. 00°07'15" W., 1, 203.87 feet to a point in the center line of said field road; thence leaving said one-sixteenth line and along the center line of said field road, S. 61°28'50" E., 395.24 feet to the point of intersection with the center line of said Cibola Road; thence along the center line of said Cibola Road, the following two courses: S. 19°30'23" W., 758.38 feet, and S. 03°52'12" W., 301.08 feet, to the point of intersection with the south line of said section six (6); thence leaving said Cibola Road center line and along said south line of said section six (6), N. 89°56'18" W., 71.70 feet to the place of beginning, containing 4.92 acres, more or less; and

Bounded on the north by lands of the U.S. Bureau of Reclamation, on the east and south by lands of the U.S. Bureau of Land Management and on the west by lands of the U.S. Fish and Wildlfe Service Tract(1a).

The area described contains 4.92 acres in Yuma County.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date, pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

3. The land will be utilized for the proposed Cibola National Wildlife Refuge headquarters and visitor center.

4. The land has been and will remain open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

July 17, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-19450 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 40441-4076]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to amend the existing regulations by incorporating certain enforcement measures including gear marking requirements, tightening the reporting requirement for medium and giant Atlantic bluefin tuna not transferred to a dealer and requiring medium and giant Atlantic bluefin tuna caught by purse seine in the Western Atlantic to be weighed and measured before they leave the area of offloading. This rule also changes the manner in which the inseason catch rate may be adjusted and allows an amount of giant Atlantic bluefin tuna not to exceed 50 short tons (st) to be set aside for fishermen who may be deprived of a reasonable opportunity to fish for giant Atlantic bluefin tuna. These latter changes are intended to stabilize the catch rate and provide a mechanism to address unforeseen stock or harvest circumstances.

EFFECTIVE DATE: These rules are effective on July 19, 1984, except for adding the new section to the table of contents, adding the new sentence to § 285.21(c), adding the new §§ 285.31 (cc) and § 285.33, redesignating § 285.31, and revising § 285.32. These exceptions are effective August 23, 1984.

ADDRESS: The environmental assessment and final regulatory flexibility analysis referred to in this rule, as well as other previously published reports, are available from the NMFS Northeast Region Service Division, P.O. Box 1109, Gloucester, MA 01931-1109.

FOR FURTHER INFORMATION CONTACT: William C. Jerome, Jr. 617-281-3600, extension 325; or David S. Crestin, extension 253.

SUPPLEMENTARY INFORMATION:

Background

The United States is a signatory nation to the International Convention for the Conservation of Atlantic Tunas (the Convention, 20 UST 2887, TIAS 6767). The Convention's provisions entered into force for the United States on March 21, 1969. The United States' obligations under the Convention are prescribed by the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971-971h) (the Act). The Act directs the Secretary of Commerce (Secretary) to promulgate rules necessary to implement recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to carry out the purposes and objectives of the Convention. The Secretary's authority under the Act has been delegated to the Assistant Administrator of Fisheries (Assistant Administrator).

Rules presently governing the U.S. fishery for Atlantic bluefin tuna are at 50 CFR Part 285, Subpart B and at 49 FR 1043, January 6, 1984. These rules implement the following recommendations of ICCAT: (1) To reduce catch levels of Atlantic bluefin tuna in the western Atlantic Ocean to an amount which would provide a broad range of biological information while keeping catch levels conservative; (2) to limit the catch of Atlantic bluefin tuna smaller than 120 centimeters (cm) (47 inches) fork length to no more than 15 percent by weight of the total catch in the western Atlantic Ocean; and (3) to prohibit directed fisheries for Atlantic bluefin tuna in spawning areas, such as the Gulf of Mexico.

ICCAT held its Eighth Regular Meeting in Madrid, Spain, November 9–15, 1983. This meeting was preceded by a meeting of the Standing Committee on Research and Statistics (SCRS), November 3–8. Current restrictions on fishing for Atlantic bluefin tuna in the western Atlantic Ocean were reviewed in light of the SCRS findings which offered no new information regarding the status of the stocks nor any new management advice. The SCRS had held two additional meetings on Atlantic bluefin tuna in 1983, but reported to the Commission that any analysis carried out before 1984 would not add significantly to the stock assessments. The Commission, therefore, recommended an extension of the existing management regime for one year.

As in 1983, the total allowable catch in the western Atlantic Ocean for 1984 will be 2,660 metric tons (mt) (2,932 short tons [st], with allocations of 1,387.2 mt (1,529 st), 573.3 mt (632 st) and 699.4 mt (771 st) for the United States, Canada, and Japan, respectively. The percentage share of the total allowable catch for the western Atlantic Ocean remains the same for each nation in 1984 as in 1982 and 1983: United States, 52.15 percent; Canada, 21.55 percent; and Japan, 26.30 percent.

Rulemaking Process

NOAA published proposed rules on May 1, 1984 (49 FR 18574), which provided for a more efficient management system without changing the substance or intent of the previous rules. These modifications establish a more appropriate mechanism for adjusting the catch rate limit and allocation of giant Atlantic bluefin tuna within the General category. Public comment on the proposed rules was invited for a 30-day period which ended on May 25, 1984. Additionally, NOAA informed the public of the comment period by mailing, on May 1, 1984, copies of the proposed rules to key industry and media representatives and to those individuals who have requested to be placed on this mailing list and by mailing, on May 2, 1964, general news releases to all Atlantic bluefin tuna permit holders.

Discussion of Public Comments

During the public comment period, NOAA received 23 letters of comment.

Comment 1. One commenter recommended the elimination of foreign fishing.

Response. Prohibiting foreign fishing for Atlantic bluefin tuna in the United States Fishery Conservation Zone is not within the authority conferred by the Atlantic Tunas Convention Act, which is legal authority for this rulemaking.

Comment 2. One commenter recommended limiting the length of longlines to one-half mile; however, the commenter failed to provide any information or rationale to support this recommendation.

Response. NOAA knows of no data to show that such a gear restriction is necessary for conservation purposes or practical from a fishery management standpoint. Since domestic vessels fish pelagic longline gear which is significantly longer than one-half mile, the recommendation would impact severely on existing fishing practices and could reduce efficiency while increasing vessel operating expenses. Further, reducing the length of longlines would not necessarily reduce gear conflicts. NOAA rejects the recommendation.

Comment 3. One commenter objected to certain provisions of § 285.4 regarding procedures which fishermen must follow during fishery enforcement operations by the United States Coast Guard.

Response. NOAA and the United States Coast Guard have been working cooperatively to enhance safety and communications between vessels for all fisheries for which NOAA has promulgated rules. NOAA believes the specific provisions in § 285.4 are both necessary and reasonable. The comment, therefore, is rejected and no changes to the rules have been made.

Comment 4. One commenter recommended that the area from Montauk, Long Island, northward be closed 15 to 20 days "earlier than at present" to ensure a longer Atlantic bluefin tuna fishing season for the New Jersey area.

Response. The existing Atlantic bluefin tuna rules do not identify a specific closing date for the General category fishery. Final closures result from quotas being achieved. NOAA, however, believes that the commenter's concern that fishermen from the New Jersey area may be deprived of a reasonable opportunity to fish for giant Atlantic bluefin tuna will be accommodated by the provision allowing a special allocation of 50 st to be made to such an area under § 285.22(a). NOAA, therefore, rejects the recommendation as unnecessary.

Comment 5. Several comments were received including one from a representative of a party-charter boat association objecting to the allocation for purse seine vessels under § 285.22 (c) and (d).

Response. These comments are not relevent to this rulemaking and will not be responded to here. This issue was addressed in the preamble to the rules published on June 11, 1982 (47 FR 25350), and June 17, 1983 (48 FR 27755), in response to comments received both at public hearings and in writing during the comment periods in the spring of 1982 and 1983.

Comment 6. Several commenters recommended limiting the giant Atlantic bluefin tuna fishery to rod and reel only.

Response. Similar comments were received during the 1983 rulemaking. NOAA believes the harvest of the handgear quota should not be limited to a single gear type such as rod and reel. The 1984 handgear and angling quotas will provide reasonable opportunity for rod and reel fishermen to fish for all size classes of Atlantic bluefin tuna. NOAA, therefore, rejects this recommendation as inappropriate.

Comment 7. Several commenters, including a representative of a party-charter boat association, recommended dates of both September 15 and October 1 for the review of giant Atlantic bluefin tuna landing data to determine whether a change in the daily catch rate for the General category should be made.

Response. These commenters were concerned that a review held on or about September 1 as specified in § 285.24(a) would be premature and, perhaps, result in an early closure of the fishery in the New York Bight area. NOAA believes the availability of the 50 st quota for an area in which fishermen would be deprived of a reasonable opportunity to fish will accommodate these concerns. NOAA, therefore, rejects these recommendations as unnecessary.

Comment 8. Two commenters recommended increased allocations in the giant Atlantic bluefin tuna General category for the New York Bight area ranging from an unspecified amount to a minimum of 100 st.

Response. Landings data for this area since 1979 show that the maximum landings for any year since 1979 have amounted to approximately 25 st in 1980. Admittedly, fishermen did not have the opportunity to fish for giant Atlantic bluefin tuna in 1982 and harvested 23 st prior to a closure which cut off the fishery in mid-October 1983. NOAA, however, believes that the 50 st quota described above will be sufficient to accommodate, if necessary, the late fishery for giant Atlantic bluefin tuna in the New York Bight. NOAA, therefore, rejects these recommendations.

Comment 9. One commenter recommended limiting any increase in the catch rate of giant Atlantic bluefin tuna in the General category to a maximum of two fish per day per vessel following

the September landing data review, rather than a maximum of three fish per vessel per day as provided for in § 285.24(a).

Response. The recommendation is unclear whether the reference to the daily catch rate is for the entire regulatory area or for any allocation made to the New York Bight. NOAA believes that the catch rate provisions in § 285.24 provide the flexibility necessary to implement management measures to provide for the longest continuous fishing season possible and, at the same time, to achieve the quota for the General category. NOAA, therefore, rejects this recommendation as too inflexible.

Comment 10. One commenter recommended including telephone numbers of NMFS's law enforcement offices in the Southeast Region to allow fishermen better to comply with reporting requirements of § 285.30(c)(2).

Response. NOAA agrees that this recommendation is appropriate and has revised this section accordingly.

Changes Made in the Rules

Section 285.30. The last sentence in paragraph (c)(2) is revised by adding appropriate telephone numbers for contacting NMFS law enforcement offices in the states of Florida, Louisiana, and Texas.

Classification

The Adminstrator of NOAA has determined that these rules are not major under Executive Order 12291. Additional, it was determined that this action is not significant under the Regulatory Flexibility Act and, because this rule does not change the intent of previously adopted rules, it is categorically excluded and no environmental assessment or environmental impact statement was prepared.

Because the constituency fully anticipates the benefits to be derived from certain provisions of this rule and has already planned accordingly for the current season, the 30-day delayed effective date provision of the Administrative Procedure Act would impose an unnecessary and substantial burden. Current requirements impose catch rate changes in accordance with an established schedule that adversely impacts the constituency. This rule eliminates the mandatory catch rate changes and will ensure an opportunity for all participants to fish throughout the season without threat of an early closure. For these reasons, certain portions of this rule relieve a restriction and therefore are effective immediately. The remaining provisions, which are effective immediately are either technical amendments or clarifications of exsting rules.

The information collection requirements for this Act, previously approved by the Office of Management and Budget (OMB) under OMB control number 0648 –0097, –0031, and –0013, will not be affected by any of these changes.

This final rulemaking provides a more efficient system for establishing the catch rate limit and the allocation of giant Atlantic bluefin tuna within the General category. There are no expected impacts associated with these rules which were not discussed in the EA or the final regulatory flexibility analysis/regulatory impact review prepared in 1983.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements.

Dated: July 19, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for Part 285 is as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. Subpart B of the Trade of Contents is amended by adding a new § 285.33 Gear identification, to read as follows:

* * * * *

Subpart B— * * *

Sec.

* * * * *

285.33 Gear identification.

* * * * *

3. Section 285.4 is amended by adding new paragraphs (c), (d), (e), and (f) to read as follows:

§ 285.4 Enforcement.

* * * * *

(c) The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Act and this part.

(d) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF–FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(e) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF–FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(f) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the

necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.-/.-)[1][2] is the call to an unkown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-./.-. - / -.-./.-. -) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (. . ./- - . -/. . . - -) means "you should stop or heave to; I am going to board you."

(4) "L" (.-. .) means "you should stop your vessel instantly."

4. Section 285.21 is amended by adding a new sentence to the end of paragraph (c) to read as follows:

§ 285.21 Vessel permits.

* * * * *

(c) *Application procedure.* * * * After May 15, the vessel's permit category may not be changed for the remainder of the calendar year regardless of any change in the vessel's ownership.

* * * * *

(5) Section 285.22 is amended by removing the words "Regional Director" and replacing them with "Assistant Administrator" each time they appear in paragraph (g) and revising paragraph (a) to read as follows:

§ 285.22 Quotas.

* * * * *

(a) *General.* The total amount of giant Atlantic bluefin tuna which may be caught and retained in the regulatory area by vessels permitted in the General category under § 285.21(b) is 650 st (590 mt). If the Assistant Administrator determines (based on dealer reports, availability of giant Atlantic bluefin tuna on the fishing grounds, and any other relevant information), that variations in seasonal distribution, abundance, or migration patterns of Atlantic bluefin tuna, and the catch rate, may prevent fishermen in an identified area from harvesting their share of the quota, the Assistant Administrator may set aside an allocation for such area. The amount of any allocation will not exceed the greater of 50 st or the maximum reported landings in the identified area in any of the preceeding three years. The daily catch rate limit for the identified area will be set at one giant Atlantic bluefin tuna per day per vessel. The Assistant Administrator will publish a notice of any allocation and its basis in the **Federal Register.**

* * * * *

6. Section 285.24 is amended by revising paragraph (a) to read as follows:

§ 285.24 Catch rate limits.

(a) From June 1, vessels permitted in the General category under § 285,21(b), may catch only one giant Atlantic bluefin tuna per day per vessel. The Assistant Administrator, on or about September 1, may adjust the daily catch rate limit to a maximum of three giant Atlantic bluefin tuna per day per vessel based on a review of dealer reports, daily landing trends, availablity of the species on the fishing grounds, and any other relevant factors to provide for maximum utilization of the quota. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the allowable daily catch rate limit made under this paragraph. Operators of vessels permitted in the General category may possess giant Atlantic bluefin tuna in an amount not to exceed a single day's catch as allowed by the daily catch rate limit in effect at the that time.

* * * * *

7. Section 285.25 is amended by revising paragraph (c) to read as follows:

§ 285.25 Purse seine vessel requirements.

* * * * *

(c) *Inspection.* Any owner or operator of a purse seine vessel with a permit issued under § 285.21(b) must request an inspection of the vessel and fishing gear by an enforcement agent of the NMFS before commencing any fishing trip and before offloading any Atlantic bluefin tuna. The vessel owner or operator must request such inspection at least 24 hours before commencement of a fishing trip or offloading by calling 617–281–3600 extension 252; or 617–563–5721. Purse seine vessel owners or operators must have each medium and giant Atlantic bluefin tuna in their catch weighed (round weight), measured, and the information recorded on the appropriate forms at the time of offloading and prior to transport from the area of offloading.

* * * * *

8. The introductory text of § 285.26 is revised to read as follows:

§ 285.26 Size classes.

For any Atlantic bluefin tuna which is landed with the head removed, it is a rebuttable presumption for purposes of this subpart that the tuna, when caught, fell into a size class in accordance with the following table. For this purpose, all measurements must be taken in a straight line along the middle of the lateral surface from the forwardmost part of the beheaded fish to the fork of the tail. The fork length measurement will be the sole criterion for determining the size class of an individual Atlantic bluefin tuna. Approximate round weights in the table are given for illustrative purposes only.

* * * * *

9. Section 285.28 is amended by revising paragraph (l) to read as follows:

§ 285.28 Dealer permits.

* * * * *

(l) *Buy-boats.* Each buy-boat must have a dealer permit issued under this section. The Regional Director will not issue a dealer permit under this section for a buy-boat operation to any vessel which has a valid fishing vessel permit issued under § 285.21. The Regional Director will not issue a dealer permit to a buy-boat unless the owner or operator of the buy-boat agrees in writing to allow an individual authorized by the Regional Director to accompany the buy-boat on any trip to observe operations. The Regional Director will provide reasonable notice to the owner or operator of any buy-boat that an individual will be placed on board. The Regional Director will reimburse the owner of any buy-boat for any expenses which the Regional Director determines to be reasonable and which are related directly to the placement of an individual on that buy-boat.

10. Section 285.30 is amended by revising paragraph (c)(2) to read as follows:

§ 285.30 Metal tags.

* * * * *

(c) * * *

(2) Any person who catches a medium or giant Atlantic bluefin tuna and does not transfer it to a permitted dealer must contact the nearest NMFS enforcement office at the time of landing such Atlantic bluefin tuna and make the tuna available for inspection and attachment of a metal tag. The offices to contact are: Portland, Maine (207–780–3241); Otis Air Force Base, Massachusetts (617–563–5721); Upton, New York (516–282–3267); Miami, Florida (305–350–4132); St. Petersburg, Florida (813–893–3841); New Orleans, Louisiana (504–589–4538); or Corpus Christi, Texas (512–888–3360).

11. Section 285.31 is amended by removing the final "or" from paragraph (bb), by redesignating paragraph (cc) as

[1] Period (.) means a short flash of light.
[2] Period (-) means a long flash of light.

(dd), and by adding a new paragraph (cc) to read as follows:

§ 285.31 Prohibitions.

* * * * *

(cc) To use or possess handline or harpoon flotation gear which is not marked in accordance with § 385.33, or is marked with the Atlantic bluefin tuna permit number of another vessel; or

* * * * *

12. Section 285.32 is amended by revising paragraphs (a) and (c) to read as follows:

§ 285.32 Civil penalties.

(a) Any person who violates paragraphs (a) through (u) inclusive, or paragraphs (x) through (cc), inclusive, of § 285.31 will be assessed a civil penalty of not more than $25,000 for a first violation and a civil penalty of not more than $50,000 for a subsequent violation.

* * * * *

(c) Any person who violates paragraphs (dd) of § 285.31 will be assessed a civil penalty in accordance with the criteria set forth in 16 U.S.C. 971e.

13. A new § 285.33 is added to read as follows:

§ 285.33 Gear identification.

Any flotation device atached to handline or harpoon gear must be marked with the Atlantic bluefin tuna permit number of the vessel from which it is used. The required markings must be permanently affixed and at least one inch in height in block Arabic numerals of a color that contrasts with the background color of the flotation device.

[FR Doc. 84-19552 Filed 7-19-84; 5:12 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 143
Tuesday, July 24, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Regulations Governing Licenses for Importation of Sugar To Be Re-Exported in Refined Form

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations which govern the exemption of sugars, which are to be re-exported in refined form, from the import quatas on sugars, sirups, and molasses modified by Presidential Proclamation No. 4941 of May 5, 1982, as amended. License holders will be required to submit to the Department of Agriculture of U.S. Customs document certified by a U.S. Customs official at the port of export, on which it is stated that the quantity of refined sugar specified thereon is being exported from the customs territory of the United States. License holders will also be required to certify that the quantity of refined sugar for which they seek credit has actually been exported. The license holder will not be able to use a third party to export refined sugar unless the license holder designates this third party as the license holder's agent for purposes of exporting that sugar. If the license holder uses an agent to export the refined sugar, additional documentation will be required for proof of export.

If the Licensing Authority determines that an export of refined sugar corresponding to an amount of raw sugar imported under the license did not occur, the license holder and/or the agent designated by the license holder will be liable for a dollar amount of up to three times the difference between the "spot" Number 12 contract price or the Market Stabilization Price, whichever is greater, and the "spot" Number 11 contract price, times the amount of sugar, raw value, that should have been but was not exported. Subsequent to a determination by the Licensing Authority that an agent has falsely or incorrectly certified that a quantity of refined sugar has been exported under the program, the Licensing Authority could refuse to grant credits to any license holder for exports made through that agent.

DATE: Comments received before August 14, 1984, will be considered.

ADDRESS: Mail comments to Chief, Sugar Group, Horticultural and Tropical Products Division, Foreign Agricultural Service, Department of Agriculture, 12th & Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Contact John Nuttall, Chief, Sugar Group, Room 6091, South Building, Foreign Agricultural Service, Department of Agriculture, 12th & Independence Avenue, SW., Washington, D.C. 20250. Telephone: (202) 447–2916.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service (FAS), certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The public is invited to comment on the impact of this proposed rule on small entities, and the Administrator, FAS, will review this determination in light of those comments.

An assessment of the impact on the environment of this proposed rule, if promulgated, has been completed. It has been determined that this action will have no foreseeable significant effects on the quality of the human environment. Consequently, no evironmental impact statement is necessary for this proposed rule. An environmental assessment is available for review in Room 6091, South Building, USDA, during normal business hours.

The paperwork requirements imposed by this rule will not become effective until they have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Imports of sugar are currently subject to quotas, determined in accordance with Presidential Proclamation No. 4941, as amended, which limit the amount of sugar which may be entered, or withdrawn from warehouse for consumption, into the customs territory of the United States. Presidential Proclamation No. 5002 of November 30, 1982, in part, authorizes the Secretary of Agriculture to issue licenses for the entry of sugar, exempt from these quotas, on the condition that the sugar be re-exported in refined form.

On June 28, 1983, the Department of Agriculture published "Regulations Governing Licenses for Importation of Sugar to be Re-exported in Refined Form," 7 CFR Part 6, in the **Federal Register** (48 FR 29824), which implements the provisions of Presidential Proclamation No. 5002. The regulations establish procedures and requirements designed to ensure that the quantity of sugar which is imported into the customs territory of the United States free of quota does not exceed the equivalent adjusted quantity of refined sugar which is exported from the customs territory of the United States pursuant to the regulations. It is believed that the amendments in this proposed rule are needed to facilitate the administration of these regulations.

The Department of Agriculture believes that additional documentation with respect to the exportation of the refined sugar is needed to properly administer the regulations. Accordingly, the proposed rule would amend § 6.106(a)(2) to require the license holder to submit a U.S. Customs document acceptable to the Licensing Authority, such as Customs Form 7512, "Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit," bearing an original certification by a U.S. Customs official, at the port of export, on which it is stated that the quantity of refined sugar specified on the form is being exported from the customs territory of the United States, in order for the license holder to establish proof of export. Additional documentation under § 6.106(a)(2) would

be required if the license holder uses an agent to export the refined sugar. This would include a letter from the license holder to the Licensing Authority stating that the license holder has designated such person as the license holder's agent for purposes of exporting that sugar and a certification by the agent to the Licensing Authority stating that the agent has exported the sugar from U.S. customs territory on behalf of the particular license holder.

The Department of Agriculture believes that the certification requirement should be strengthened in order to improve the license holder's accountability under program regulations. For this reason, § 6.106(a)(1), "Certification," would be amended by adding to paragraph (iv) a requirement that the license holder certify to the Licensing Authority that the quantity of refined sugar for which the license holder is seeking credit has, in fact, been exported from the customs territory of the United States. It should be noted that, where an agent is used to export sugar under the program, the license holder is liable for the actions of the agent and is responsible for ensuring that the entire export transaction occurs properly.

The Department of Agriculture further believes that the participation of third parties in exporting sugar under the program requires more explicit treatment in the program regulations. The proposed rule would amend § 6.105 by adding a new paragraph, § 6.105(b), which would prohibit the license holder from using a third party to export refined sugar under the program unless the license holder designates this third party as the license holder's agent for the purposes of exporting that sugar.

The Department of Agriculture believes that existing enforcement provisions need to be enhanced to more properly administer the regulations. Toward this end, the proposed rule would amend § 6.110 to include third parties designated by license holders as agents to export refined sugar under the program. Section § 6.110(a) would be amended to increase the liability of program participants and to include agents designated by license holders to export sugar under the program. The Licensing Authority would hold the license holder and/or the agent designated by the license holder under the program liable for up to three times the difference, in cents per pound, between the "spot" Number 12 contract price or the Market Stabilization Price, whichever is greater, and the "spot" Number 11 contract price, times the quantity of sugar, raw value, determined by the Licensing Authority that should have been, but was not, exported under the program. The Licensing Authority would, under a new paragraph, § 6.110(b)(2), be able to deny credit to a license holder for exports conducted by a particular agent under this program subsequent to a determination by the Licensing Authority that the agent had rendered a false or incorrect certification (under § 6.106(a)) that sugar had in fact been exported from U.S. customs territory.

Finally, in a new paragraph § 6.110(d), it would be fully clarified that false, fictitious or fraudulent certifications by license holders or agents would be subject to fines of up to $10,000 and imprisonment of up to 5 years, or both, as provided under 18 U.S.C. 1001.

List of Subjects in 7 CFR Part 6

Documentation, Exports, Foreign Trade, Imports, Licenses, Quotas, Sugar.

PART 6—[AMENDED]

Accordingly, 7 CFR Part 6 would be amended as follows:

1. The authority citation for Part 6 reads as follows:

Authority: Presidential Proclamation No. 5002, 47 FR 54269.

2. Section 6.105 is revised to read as follows:

§ 6.105 Use of an agent.

(a) In those cases where entry of sugar is made by an agent of the license holder, the agent shall produce for inspection by the appropriate customs official a written authorization by the license holder designating such person to act as an agent for the license holder for the purpose of entering sugar.

(b) The license holder may not use a third party to export the refined sugar under this program unless the license holder designates the third party as the license holder's agent for purposes of exporting that sugar.

3. Section 6.106 (a)(1)(iv) and (a)(2) is revised to read as follows:

§ 6.106 Proof of export.

(a) * * *

(1) * * *

(iv) The date of export, point of export, an identification of the vessel, railroad or other means of export, and a statement that the license holder knows that such sugar has in fact been exported from the customs territory of the United States;

(2) *Documentation.* (i) A copy of the on-board bill of lading or intermodal bill of lading with an on-board date or, if exported by land, an authenticated landing certificate or similar document issued by an official of the importing country. The document could include a foreign official's stamp and/or certification on a U.S. document.

(ii) A copy of a U.S. Customs Service document acceptable to the Licensing Authority, bearing an original certification by a U.S. Customs Service official at the port of export, on which it is stated that the quantity of refined sugar specified thereon is being exported from the customs territory of the United States.

(iii) If the license holder has used an agent to export the refined sugar, a letter from the license holder to the Licensing Authority stating that the license holder has designated such person as the license holder's agent for that export, and a certification from the agent to the Licensing Authority stating that the agent has exported the quantity of sugar from the customs territory of the United States on behalf of the license holder.

4. In section 6.110 paragraphs (a), (b) and (d) are revised to read as follows:

§ 6.110 Enforcement.

(a) If at any time after receiving the proof of export described in § 6.106 of this subpart and release of the bond under § 6.107 of this subpart, the Licensing Authority determines that an export of refined sugar corresponding to the amount of sugar entered under the license did not occur, the Licensing Authority may hold the license holder or, where the license holder has designated an agent to export such sugar under the program, the license holder and/or such agent liable for up to three times the difference between the daily "spot' price per pound as reported in the Number 12 contract of the New York Coffee, Sugar and Cocoa Exchange or the Market Stabilization Price, whichever is greater, and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar and Cocoa Exchange in effect on the last market day before the entry of the corresponding sugar or the last market day before the end of the three month period, whichever is greater, times the amount of sugar, raw value, that should have been, but was not, exported. In the event no Number 11 or Number 12 price is reported by the New York Coffee, Sugar and Cocoa Exchange for the relevant market day, then the Licensing Authority may use such price as he or she deems appropriate.

(b)(1) If at any time the Licensing Authority determines that a license holder has failed to comply with the requirements of this subpart, the

Licensing Authority may, after notice to the license holder, suspend or revoke the license issued to the license holder pursuant to this subpart and/or refuse to issue future licenses to that refiner.

(2) If at any time the Licensing Authority determines that an agent designated by a license holder to export a quantity of refined sugar under this program has rendered false or incorrect certification under § 6.106(a)(2)(iii), the Licensing Authority may refuse to grant credits to license holders for exports made through that agent subsequent to the date of such determination.

(c) * * *

(d) False, fictitious or fraudulent certifications submitted to the Licensing Authority by either license holders or agents designated by license holders to participate in this program may be subject to liabilities under 18 U.S.C. 1001.

Signed at Washington, D.C., on July 19, 1984.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 84-19499 Filed 7-19-84; 4:02 pm]

BILLING CODE 3410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the existing regulations relating to requirements and guarantees of post arrival care for immigrant family members who are mentally retarded or aliens who have had one or more attacks of mental illness by eliminating current requirements for annual follow-up medical reports over a 5-year period.

This proposed rule would also provide that the alien or alien's sponsor may be referred to the mental retardation or mental health agency of the state of proposed residence for guidance in selection of a post arrival medical authority who will complete the evaluation and provide an evaluation report to the Centers for Disease Control.

DATE: Comments must be in writing and must be submitted on or by August 23, 1984.

ADDRESS: Please submit written comments in duplicate to the Director of Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: R. Michael Miller, Deputy Asst. Commissioner of Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3320

SUPPLEMENTARY INFORMATION: The current regulation in 8 CFR 212.7(b)(4)(ii) provides that specified facilities or specialists agree to accept an alien for all necessary diagnostic studies and medical supervision and that the facilities or specialists are responsible for providing or ensuring that the alien is provided the additional care, training or schooling as the diagnostic studies indicate are necessary for a period of five years. The current regulations also provide for annual reports of the alien's mental status for a period of five years. The proposed rule in 8 CFR 212.7(b)(4)(ii) would be revised to add that the alien or alien's sponsor may be directed to the mental retardation or mental health agency of the state of proposed residence for guidance in selecting a post-arrival mental examining authority who will complete the evaluation and provide an evaluation report to the Centers for Disease Control. This proposed rule would eliminate the annual five year medical reporting requirement. The current regulation in 8 CFR 212.7(b)(5) requires that before responsibility for the medical supervision of the alien is transferred to another facility or specialist, the alien or the supporting family member obtain approval from the Centers for Disease Control. The proposed rule would eliminate this unnecessary requirement.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This order would not be a major rule within the definition of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 212

Administrative practice and procedures, Aliens, Bonds, Health, Travel restrictions.

Accordingly, it is proposed to amend Chapter 1 of Title 8 of the Code of Federal Regulations as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANT; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In section 212.7, paragraphs (b)(4)(ii) and (b)(5) would be revised to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(b) * * *

(4) * * *

* * * * *

(ii) *Submission of statement.* Upon being notified that the medical report has been reviewed by the U.S Public Health Service and determined to be acceptable, the alien or the alien's sponsoring family member shall submit a statement to the consular or Service office. The statement must be from a clinic, hospital, institution, specialized facility, or specialist in the United States approved by the U.S. Public Health Service. The alien or alien's sponsor may be referred to the mental retardation or mental health agency of the state of proposed residence for guidance in selecting a post-arrival medical examining authority who will complete the evaluation and provide an evaluation report to the Centers for Disease Control. The statement must specify the name and address of the specialized facility, or specialist, and must affirm that:

(A) The specified facility or specialist agrees to evaluate the alien's mental status and prepare a complete report of the findings of such evaluation.

(B) The alien, the alien's sponsoring family member, or another responsible person has made complete financial arrangements for payment of any charges that may be incurred after arrival for studies, care, training and service;

(C) The Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, GA. 30333 shall be furnished:

(*1*) The report evaluating the alien's mental status within 30 days after the alien's arrival; and

(*2*) Prompt notification of the alien's failure to report to the facility or specialist within 30 days after being notified by the U.S. Public Health

Service that the alien has arrived in the United States.

(D) The alien shall be in an outpatient, inpatient, study, or other specified status as determined by the responsible local physician or specialist during the initial evaluation.

(5) *Assurances: Bonds.* In all cases under paragraph (b) of this section the alien or his or her sponsoring family member shall also submit n assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that, upon the admission of the alien into the United States, he or she will proceed directly to the facility or specialist specified for the initial evaluation, and will submit to such further examinations or treatment as may be required, whether in an outpatient, inpatient, or other status. The alien, his or her sponsoring family member, or other responsible person shall provide such assurances or bond as may be required to assure that the necessary expenses of the alien will be met and that he or she will not become a public charge. For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter.

* * * * *

(Sec. 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1182))

Dated: July 10, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-19491 Filed 7-23-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 161

[Docket No. 84N-0023]

Quick-Frozen Shrimps or Prawns; Termination of Consideration of the Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick-frozen shrimps or prawns based on the Codex Alimentarius Commission Standard for quick-frozen shrimps or prawns (Codex Standard No. CAC/RS 92-1976) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 8, 1984 (49 FR 8627), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability of and need for a U.S. standard for quick-frozen shrimps or prawns. The Codex standard was submitted to the United States for consideration of acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Two comments were received in response to the advance notice of proposed rulemaking. One comment stated that the cleanliness and defect criteria in the Codex standard could not be applied equally to freshwater and saltwater types of shrimps or prawns due to inherent differences in these types. This comment suggested that the standard be held for further study and appropriate modification. The second comment was in favor of a U.S. standard of identity and quality as a means of assuring availability of high quality shrimp in this country. The comment, however, contained no data either pertaining to the level of quality of domestic shrimp or justifying a standard.

Having considered the comments received, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick-frozen shrimps or prawns under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick-frozen shrimps or prawns based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick-frozen shrimps or prawns upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: July 18, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-19431 Filed 7-23-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment and Opportunity for Public Hearing on the Modification to the Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Kentucky as a modification to the Kentucky Permanent Regulatory Progam (hereinafter referred to as the Kentucky progam) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to proposed changes in the State's levels of staffing and budget to implement its approved regulatory program.

This notice sets forth the times and locations that the Kentucky program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed progam elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., August 23, 1984, to be considered.

If requested, a public hearing on the proposed modifications will be held on August 20, 1984, beginning at 10:00 a.m. at the location shown below under "**ADDRESSES.**"

ADDRESSES: Written comments should be mailed or hand delivered to: W.H. Tipton, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

If a public hearing is held its location will be at: The Harley Hotel, 2143 N. Broadway, Lexington, KY 40500.

FOR FURTHER INFORMATION CONTACT: W.H. Tipton, Lexington Field Office, Office of Surface Mining, 340 Legion

Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504

Office of Surface Mining, Reclamation and Enforcement, 1100 "L" Street, NW., Washington, D.C. 20240

Bureau of Surface Mining, Reclamation and Enforcement, Capital Plaza Lower, Third Floor, Frankfort, KY 40601

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Lexington, Kentucky, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by the close of business August 8, 1984. If no one requests to comment at a public hearing, the hearing will not be held.

II. Background on the Kentucky State Program

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register** (47 FR 21404–21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register** notice.

III. Submission of Program Amendments

By a transmittal dated June 29, 1984, Kentucky submitted to OSM pursuant to 30 CFR 732.17, certain proposed revisions to the Kentucky regulatory program. These modifications pertain to changes Kentucky wishes to make to its approved levels of staffing and budget. In its proposed amendment, Kentucky explained that after operating under primacy for two years, it has better information from which to project required staffing levels for specific program areas. It proposed a reduction of its approved regulatory program staffing level from 408 to 344. Kentucky submitted a staffing level justification by program area that explains the proposed change and the reason that such a change is both necessary and adequate to perform program requirements.

Therefore, the Secretary is seeking public comment on the adequacy of the proposed program amendment. Comments should specifically address the issues of whether the proposed amendment demonstrates that the State has sufficient administrative and technical personnel, and sufficient funding to enable it to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA and its approved regulatory program. If approved, the amendment will become part of the Kentucky program.

IV. Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need to be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: July 18, 1984.

J. Lisle Reed,

Director, Office of Surface Mining.

[FR Doc. 84–19453 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Ohio Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program amendments submitted by Ohio to satisfy a condition of the Secretary of the Interior's approval of the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments submitted consist of proposed changes to the Ohio regulations intended to satisfy condition (c) concerning the preparation of maps and plans and the design and certification of structures by qualified registered professional engineers or registered surveyors.

This notice sets forth the times and locations that the Ohio program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the

proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., August 23, 1984, will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Ohio regulatory program. A public hearing on the proposed amendments has been scheduled for August 14, 1984. Any person interested in speaking at the hearing should contact Ms. Nina Rose Hatfield at the address or telephone number listed below by August 9, 1984. If no person has contacted Ms. Hatfield by that date to express an interest in the hearing, the hearing will be canceled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing is scheduled for 1:00 p.m. in Room 202, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227.

Written comments and requests for an opportunity to speak at the hearing should be directed to Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

Copies of the Ohio program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written coments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5124, 1100 "L" Street, NW., Washington, D.C.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)–(f)(10), (g), (h)(1)–(h)(3), (i)(1)–(i)(3), (j) and (k)(1)–(k)(5). Information pertinent to the general background, revisions, notifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register**. In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983; deficiency (e) by September 16, 1982; and the remaining deficiencies by February 8, 1983.

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k)(1) and (k)(2). On May 24, 1983, OSM published a final rule in the **Federal Register** announcing removal of conditions (b), (d), (f)(1) through (f)(6), (f)(8) through (f)(10), (g), (h)(2), (h)(3), (i), (j), (k)(1) and (k)(2); establishment of an August 8, 1983 deadline for Ohio to satisfy conditions (a), (c), (f)(7), (h)(1), (k)(3), (k)(4), and (k)(5); and imposition of two new conditions (l) and (m) which also carried a deadline of August 8, 1983.

On July 26, 1983, the Chief of the Ohio Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet conditions (c), (f)(7), (h)(1), (k)(3), (k)(4), (k)(5) and (m). On October 11, 1983, after providing public notice and an opportunity to comment, OSM announced the Secretary's decision to extend the deadline for Ohio to satisfy these conditions. The Secretary extended the deadline for conditions (f)(7), (h)(1), (k)(3), (k)(4) and (k)(5) until February 8, 1984, and the deadline for conditions (c) and (m) until August 8, 1984.

Conditions (f)(7), (k)(3), (k)(4) and (k)(5) were removed on May 1, 1984, and on July 5, 1984, the deadline for satisfying condition (h)(1) was extended to April 30, 1985.

Condition (c) stipulates that Ohio must amend its program to require that work be performed by qualified registered professional engineers in instances required by SMCRA and the Federal regulations. Ohio submitted an amendment to satisfy this condition on January 6, 1983. The Secretary determined that the condition had not been satisfied because Ohio Revised Code (ORC) Section 1513.07(B)(2)(n)(i) provided that registered surveyors would be allowed to perform all plans, maps, and certifications as they are authorized under ORC Chapter 4733. ORC Chapter 4733 provides for the registration of professional engineers and surveyors in Ohio. The Secretary found that this provision would allow surveyors to perform certain duties which SMCRA requires be done by engineers or geologists. The Secretary also found that the Ohio Administrative Code (OAC) had not been amended as required by condition (c).

Since that time, SMCRA has been amended to provide that, notwithstanding Section 507(b)(14), cross-section maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

II. Submission of Revisions

By letter dated June 15, 1984, Ohio submitted proposed program amendments consisting of revised regulations and a Division Advisory Memorandum intended to satisfy condition (c) due August 8, 1984.

Specifically, Ohio has:

(1) Proposed changes to paragraph (I) of rule 1501:13–4–04 concerning map preparation to remove the word "professional" from the phrase "registered professional surveyor";

(2) Proposed changes to paragraph (L) of rule 1501:13–4–04 concerning design maps and plans for ponds and other structures to remove the authority for registered surveyors to prepare and certify such maps and plans;

(3) Proposed changes to paragraphs (I) and (J) of rule 1501:13–4–13 concerning map preparation and certification to allow registered surveyors to prepare and certify such maps and to remove the dual certification requirements that both an engineer and a surveyor must certify such maps;

(4) Proposed changes to paragraph (L) of rule 1501:13–4–13 concerning design maps and plans for ponds and other structures to remove the authority for a professional geologist to prepare and certify such maps and plans;

(5) Proposed changes to paragraphs (B)(5) and (G)(15) of rule 1501:13–9–04 concerning drainage control systems to provide that structures shall be certified upon completion of construction either by a qualified registered professional engineer or jointly by a qualified registered professional engineer and a qualified registered surveyor, to the extent such joint certfication is required or permitted by the chief, as meeting the dimensions and design criteria set forth in the engineering plans, drawings, and

design details submitted as part of the permit application; and

(6) Submitted to OSM a copy of Division Advisory Memo No. 31 dated May 22, 1984, and addressed to all Ohio coal mine operators and consultants regarding certification of sediment ponds. The memo explains the Division's certification requirements and the authority of engineers and surveyors to perform various roles according to State and Federal law.

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above. Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendments. The Director now seeks public comment on wether the proposed amendments are no less effective than the Federal regulations and whether the amendments satisfy the conditions of approval. If approved, the amendments will become part of the Ohio program and condition (c) will be removed.

III. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: July 18, 1984.

J. Lisle Reed,

Director, Office of Surface Mining.

[FR Doc. 84–19454 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Consideration of Amendments to the Pennsylvania Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Pennsylvania to its program for the regulations of surface coal mining and reclamation in the State. The amendments relate to Pennsylvania's regulations pertaining to reaffecting previously mined lands with pollutional discharges.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m. August 23, 1984 to be considered. Comments submitted after this date may not necessarily be considered.

ADDRESS: Comments should be sent or hand delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101; Telephone (717) 782–7327.

SUPPLEMENTARY INFORMATION: By a letter dated December 23, 1983, OSM received, pursuant to the 30 CFR 732.17 State program amendment procedures, revised regulations pertaining to Pennsylvania's procedures for reaffecting previously mined lands with pollutional discharges. On February 8, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendments to the Pennsylvania program and inviting public comments thereon (49 FR 4791–4792). The public comment period ended March 9, 1984. The public hearing scheduled for March 5, 1984, was not held because no one expressed a desire to present testimony.

On June 25, 1984, OSM received additional materials from Pennsylvania containing additional modifications to its regulations for reaffecting previously mined lands with pollutional discharges. This material consists of modifications to its regulations at Subchapter F of Chapter 87 and Subchapter G of chapter 88 of Title 25. The revisions pertain to the procedures and rules applicable to those who seek authorization to conduct surface coal mining activities on certain areas which have been previously affected by mining activities where such mining has resulted in continuing water pollution and describes the terms and conditions under which the Department may release bonds for operators who have received such authorization to remine.

OSM is reopening the comment period for an additional 30 days to allow the public sufficient time to review and comment on the above Pennsylvania amendments. Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations of why the commenter believes or does not believe that the proposed amendment is consistent with SMCRA and no less effective than Federal regulations.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the SMCRA.

Authority: Pub. L. 95–87 Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

Dated: July 19, 1984.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 84–19497 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 950

Public Comment Period and Opportunity for Public Hearing on an Amendment to the Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of

Wyoming to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the self-bonding requirements, application revisions for persons seeking approval of experimental practices and revised inspection and enforcement provisions.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments not received on or before 4:00 p.m. on August 23, 1984 will not necessarily be considered. A public hearing on the proposal will be held, if requested, on August 20, 1984, at the address listed below under "**ADDRESSES.**" Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the OSM Casper Field Office by 4:00 p.m. on August 8, 1984. If no one has contacted Mr. Thomas to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public meeting will be held at the Herschler Office Building, 122 W. 25th Street, Cheyenne, Wyoming 82002.

Written comments should be mailed or hand-delivered to Mr. William R. Thomas, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Freden Building, Pendell Boulevard, Mills, Wyoming 82644.

See "**SUPPLEMENTARY INFORMATION**" for address where copies of the Wyoming program amendment and administrative record on the Wyoming program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Casper Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Director, Casper Field Office, Office of Surface Mining, Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644, Telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION: Copies of the Wyoming program amendment, the Wyoming program and the administrative record on the Wyoming program are available for public review and copying at the OSM offices and the office of State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

Wyoming Department of Environmental Quality, Land Quality Division, Herschler Office Building, 122 W. 25th Street, Cheyenne, Wyoming 82002

Background

The general background on the permanent program, the general background on the State program approval process, the general background on the Wyoming program, and the conditional approval can be found in the Secretary's Findings and conditional approval published in the November 26, 1980 **Federal Register** (45 FR 78637–78634).

Proposed Amendment

On June 25, 1984 the State of Wyoming submitted to OSM amendments to its approved permanent regulatory program. One amendment intended to implement the revised provisions of 30 CFR Part 785, addresses variances for surface coal mining operations. The amendment consists of proposed regulations addressing the required contents of an operators request for a variance and the required procedures for processing a request for a variance.

The second amendment, intended to implement the revised provisions of 30 CFR Part 800, addresses self-bonding. The amendment consists of proposed regulations containing new and revised definitions relative to bonding, application requirements for operators interested in self-bonding, methods for renewing bonds filed under the self-bonding program, regulatory authority's procedures for processing and acting upon an operator's application to self bond, provisions for the regulatory authority to require the substitution of a self bond, procedures addressing both the forfeiture, release of an operators performance bond and procedures for self-bonding existing operations.

The final amendment, intended to implement the revised provisions of 30 CFR Parts 840, and 845 addresses inspection, enforcement and civil penalties for surface coal mining operations. The amendment consists of proposed regulations addressing the frequency and extent of inspections, content requirements for all enforcement documents, procedures for handling enforcement actions and procedures for assessing civil penalities.

OSM is seeking comment on whether the Wyoming proposed modifications are consistent with the requirements of the Federal provisions and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by Wyoming for OSM's consideration is available for public review at the addresses listed under "**ADDRESSES.**"

Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground minings..

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: July 18, 1984.

J. Lisle Reed,

Director, Office of Surface Mining.

[FR Doc. 84-19457 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 151 and 158

[CGD 78-035]

Reception Facilities

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: This notice lists the date, time, and location for a hearing in conjunction with the Coast Guard regulatory project on reception facilities. The hearing is scheduled in response to numerous comments to an advance notice of proposed rulemaking on reception facilities published on March 23, 1983. It is intended to provide a forum for public comment to a notice of proposed rulemaking (NPRM) published on June 19, 1984 (49 FR 25196). The NPRM solicited public comment on regulations implementing the reception facility requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78). Those wishing to speak are requested to contact the Executive Secretary in advance. His address and phone number are included in the last paragraph of this notice.

DATE: The Coast Guard will hold the hearing in Washington, D.C. on August 14, 1984. It will begin at 10:00 a.m. and end at 4:00 p.m. or sooner if all speakers have been heard.

ADDRESS: The public hearing will be held at: The Federal Aviation Administration Auditorium, Federal Office Building 10A, 800 Independence Avenue, SW., Washington, D.C.

Attendance is open to the public.

FOR FURTHER INFORMATION CONTACT: Captain C.M. Holland, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1477.

Dated: July 19, 1984.

R.L. Brown,

Captain, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 84-19467 Filed 7-23-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6599]

Proposed Flood Elevation Determinations; California et al.

Correction

In FR Doc. 84-12053 beginning on page 19343 in the issue of Monday, May 7, 1984, make the following corrections.

1. On page 19349 under the heading "Source of Flooding" the first entry "Ruth Creek" should read "Rush Creek".

2. In the "Location" heading, line 2, "Ruth Creek" should read "Rush Creek".

3. On page 19351, in the second North Carolina entry under the heading "Location", the last line, "About 0.36 mile upstream of" should read "About 0.36 mile upstream of Deep Creek Road".

4. On page 19352, in the sixth entry for Ohio, under the "Location" heading, the seventh line, "downstream" should read "upstream".

5. In the same Ohio entry under the "Location" heading, the last line "streamdown" should read "downstream".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 49, No. 143
Tuesday, July 24, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Peanuts, 1984 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Correction

In FR Doc. 84–17733, beginning on page 27587 in the issue of Thursday, July 5, 1984, make the following corrections:

1. On page 27589, third column, the last entry in the second column of the table should read "17/64".

2. On page 27596, first column, the seventh line from the bottom (not including the footnote) should read "through a 15/64 x 3/4 slot screen".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

[Docket No. 83-330]

Trifly Eradication Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document announces the availability of a document, captioned "Scoping Process Summary—Trifly Eradication Environmental Impact Statement", which summarizes the scoping process followed by the Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), USDA, in the development of an environmental impact statement (EIS) on proposals to eradicate the Mediterranean fruit fly, the Oriental fruit fly and the Melon fly (hereinafter known as "Trifly") in Hawaii. The "Scoping Process Summary-Trifly Eradication Environmental Impact Statement" summarizes the comments received during the scoping process identifies and determines the scope of significant issues that will be discussed in depth in the Trifly EIS and presents a timetable for publication of the Draft Trifly EIS.

FOR FURTHER INFORMATION CONTACT: Edward J. Stubbs Senior Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, Hyattsville, MD 20782, 301–436–8295. Copies of the "Scoping Process Summary—Trifly Eradication Environmental Impact Statement" are available from this address.

SUPPLEMENTARY INFORMATION: .

Backgroud

Three species of exotic fruit flies have become established in the State of Hawaii. These flies, referred to collectively as "Trifly", are the Mediterranean fruit fly, (*Ceratitis capitata*) Wiedemann, the Oriental fruit fly (*Dacus dorsalis*) Hendel, and the Melon fly (*Dacus cucurbitae*) coquillett.

In a document published in the Notice section of the **Federal Register** on December 30, 1983 [48 FR 57577–57578], the Department announced its intent to prepare an environmental impact statement (referred to below as EIS) on proposals to eradicate the Trifly in Hawaii in accordance with section 102 of the National Environmental Policy Act (42 U.S.C. 4321). The first step in the development of an EIS is the "scoping process" which is used for identifying and determining the scope of significant issues to be addressed in the EIS.

The **Federal Register** notice of December 30, 1983, announced the opportunity for public involvement in the scoping process through participation in public meetings and submission of written comments. The public meetings were held on January 17 and 18, 1984 in Honolulu, Hawaii, and written comments were accepted through February 28, 1984. The Department received a total of 47 written comments and 10 individuals testified at the public meetings. In addition, input in the scoping process was solicited by the Department through a series of interviews, telephone conversations and correspondence with 42 individuals representing over 9 institutions and organizations.

A document, captioned "Scoping Process Summary—Trifly Eradication Environmental Impact Statement", has been prepared which summarizes the procedures followed and the written comments and other input received during the scoping process. This document also identifies and determines the scope of significant issues to be addressed in the Trifly EIS and presents a tentative timetable for publication of the Draft Trifly EIS.

Copies of the "Scoping Process Summary—Trifly Eradication Impact Statement" are available upon request. (See **FOR FURTHER INFORMATION CONTACT**").

A "notice of the availability" of the Draft Trifly EIS will be published in the **Federal Register** when the Draft Trifly EIS has been prepared and is available for distribution.

Done at Washington, DC, this 19th day of July 1984.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 84–19493 Filed 7–23–84; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Recreation Residence Authorizations; Proposed Fee Policy Changes

AGENCY: Forest Service, USDA.

ACTION: Extension of public comment period.

SUMMARY: On May 23, 1984, at 49 FR 21775, the Forest Service published a notice of proposed policy on determining annual rental fees for special-use permits authorizing recreation residence use on National Forest System lands. The public comment period was to expire on July 23. A major organization representing permittee interests has requested a 30-day extension of this date to ensure that permittees have sufficient time to receive and review additional information on this matter. In response, the Forest Service is extending the public comment period until August 22, 1984.

DATE: Public comments must be received on or before August 22, 1984.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2720) Forest

Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Wayne Shepherd, Forest Service, Lands Staff, (703) 235–2411.

Dated : July 16, 1984.

R. Max Peterson,

Chief.

[FR Doc. 84–19446 Filed 7–23–84; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Lemon Fair River Watershed, Vermont, Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lemon Fair River Watershed, Addison and Rutland Counties, Vermont.

FOR FURTHER INFORMATION CONTACT: John C. Titchner, State Conservationist, Soil Conservation Service, 69 Union Street, Winooski, Vermont, 05404, telephone (802) 951–6795.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John C. Titchner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and water quality improvement. The planned works of improvement include conservation land treatment and agricultural waste management practices.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John C. Titchner, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

June 28, 1984.

John C. Titchner,

State Conservationist.

[FR Doc. 84–19462 Filed 7–23–84; 8:45 am]

BILLING CODE 3410–16–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Limit for Certain Cotton Apparel Exported From Malaysia

July 18, 1984.

On March 9, 1984, a notice was published in the **Federal Register** (49 FR 8990) announcing that on February 29, 1984 the United States Government, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, had requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton sweaters in Category 345, produced or manufactured in Malaysia.

Consultations have been held concerning this category and agreement reached to amend the bilateral agreement between the Governments of the United States and Malaysia to include a prorated limit for cotton sweaters in Category 345 of 56,248 dozen, exported during the period which began on February 29, 1984 and extends through the sixty-day period which began on February 29 and extended through April 28, 1984, have exceeded the limit established for them during that period, they shall, if permitted to enter, be charged to the prorated limit.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton apparel products in Category 345 exported during the designated period, in excess of 56,248 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397) and June 28, 1984 (49 FR 26622).

Effective Date: July 24, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 18, 1984.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia; and in accordance with the provisons of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on July 24, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 345, produced or manufactured in Malaysia and exported during the period which began on February 29, 1984 and extends through December 31, 1984, in excess of 56,248 dozen.[1]

Textile products in Category 345 which have been exported to the United States prior to February 29, 1984 shall not be subject to this directive. Merchandise in Category 345, exported during the sixty-day period which began on February 29 and extended through April 28, 1984, which is in excess of the limit establishment for that period, shall be subject to this directive.

Textile products in Category 345 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397) and June 28, 1984 (49 FR 26622).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia has been determined by the

[1] The limit has not been adjusted to reflect any imports exported before February 28, 1984.

Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-19489 Filed 7-23-84; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations on Certain Man-Made Fiber Textile Products in Category 670pt. From Taiwan

July 18, 1984.

On July 3, 1984, the American Institute in Taiwan (AIT), under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Coordination Council for North American Affairs (CCNNA) to enter into consultations concerning exports to the United States of flat goods in Category 670pt. (only T.S.U.S.A. 706.3900), produced or manufactured in Taiwan.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit of at least 3,431,121 pounds for the entry and withdrawal from warehouse for consumption of man-made fiber flat goods in Category 670pt., produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on July 3, 1984 and extends through July 2, 1985.

Anyone wishing to comment or provide data or information regarding the treatment of this category is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comment regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-19488 Filed 7-23-84; 8:45 am]

BILLING CODE 3510-DR-M

COUNCIL ON ENVIRONMENTAL QUALITY

Presidential Parkway, Atlanta, GA; National Importance

July 19, 1984.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Request for public comments.

SUMMARY: This notice requests public comments regarding the issue of "national importance" in relationship to the "Presidential Parkway" which has been referred to the Council on Environmental Quality.

DATE: Comments should be received on or before Friday, August 24, 1984.

Contact Person: Send comments to Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation has referred the Federal Highway Administration proposal regarding the Presidential Parkway in Atlanta, Georgia to the Council on Environmental Quality. At a Sunshine Act Council meeting on July 17, 1984 (49 FR 27243), the Council determined that all written submissions to the Council regarding the subject of the referral would be part of the public record. They further determined that it would be appropriate for any interested parties in either the private or public sector to meet individually with Council Members to discuss the proposed project. Council Members also plan on making independent visits to the site of the proposed Parkway.

At the July 17 meeting, the Council also decided to address the issue of "national importance." Under the CEQ regulations for the referral process, the Council may determine that the issue raised by a referral is not one of national importance. (40 CFR 1504.3(f)(4)). If this determination is made, the Council then requests the referring and lead agencies to pursue their decision process. The Council has decided to ask for written comments from all interested parties on this topic. Written comments should be submitted to the Council by August 24, 1984, and should address the question of whether the referral to the Council of the Presidential Parkway is of "national importance".

A. Alan Hill,

Chairman.

[FR Doc. 84-19456 Filed 7-23-84; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Notices for Systems of Records

AGENCY: Department of the Army, DoD.

ACTION: Amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to amend 16 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notices are printed below in their entirety.

DATES: Actions shall be effective in 30 days.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, Attn: DAAG-AMR-S, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army, at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: The Army's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

FR Doc 83-12048 (48 FR 25502), June 6, 1983
FR Doc 83-18883 (48 FR 32046), July 13, 1983
FR Doc 83-24181 (48 FR 40291), September 6, 1983
FR Doc 83-28792 (48 FR 49086), October 24, 1983
FR Doc 84-1118 (49 FR 2006), January 17, 1984
FR Doc 84-2331 (49 FR 3506), January 27, 1984
FR Doc 84-3683 (49 FR 5170), February 10, 1984
FR Doc 84-6438 (49 FR 8993), March 9, 1984
FR Doc 84-11652 (49 FR 18600), May 1, 1984
FR Doc 84-14035 (49 FR 22122), May 25, 1984
FR Doc 84-15558 (49 FR 24045), June 11, 1984

FR Doc 84–16178 (49 FR 24914), June 18, 1984
FR Doc 84–16520 (49 FR 25499), June 21, 1984
FR Doc 84–17271 (49 FR 26625), June 28, 1984
FR Doc 84–18684 (49 FR 28754), July 16, 1984
The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of an altered system report.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
July 19, 1984.

AMENDMENTS

A0102.02aDAAG

System name:

Office Visitor/Commercial Solicitor Files.

Changes:

System Identification:

Delete suffix "a".

After "Authority for maintenance of the system", and:

"Purpose(s): To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

AO301.07aDAAG

System name: Army Club Membership Registration System.

Changes:

System Identification:

Delete suffix "a".

System name:

Delete "Registration System"; add: "Files".

After "Authority for maintenance of the system", add:

"Purpose(s): To administer club accounts, prepare billings, collect monies, and disseminate information concerning club activities."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

Delete information following "from:"; substitute therefor: "Office of The Adjutant General, ATTN: Director, MWR Business Operations, 2461 Eisenhower Avenue, Alexandria, VA 22331."

Record access procedures:

Change entry to read:"Individuals may inquire of the club of which a member, information pertaining to him/her, furnishing full name, SSN, present address, and signature."

Contesting record procedures:

After "340–21", delete information and add: "(32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual".

AO301.08aDACA

System name:

Military and Civilian Waiver Files.

Changes:

System Identification:

Delete present ID; add: "AO306.20DACA".

Authority for maintenance of the system:

Delete entry; substitute therefor: "10 U.S.C., section 3012".

Add: *"Purpose(s):* To determine the validity of waivers or to make referrals to the US General Accounting Office."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete "of Field Services Office"; add: "having official need therefor."

Retention and disposal:

Delete "indefinitely in active file"; add: "until waiver is approved/denied."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

At the beginning, insert: "From the individual,".

AO302.03aDACA

System name:

Subsidiary Ledger Files (Accounts Receivable).

Changes:

System Identification:

Delete suffix "a".

After "Authority for maintenance of the system", add:

"Purpose(s): To maintain records of charges due the Army for services provided and to effect collection action, i.e., telephone, quarters, food, clothing, etc.".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

System manager(s) and address:

Delete entries; substitute therefor: "Commander, US Army Finance and Accounting Center, Ft. Benjamin Harrison, IN 46249".

Notification procedure:

Delete "Comptroller of the Army * * * Area Code 202/695–5139"; add to remaining paragraph: "Address may be obtained from the System Manager."

Record access procedures:

Delete entries; substitute therefor: "Individuals who believe information on them exists in this system of records should submit a written request to the appropriate Finance and Accounting Officer where record is believed to exist, or to the System Manager. Requester should supply his/her full name, present address and telephone number, details concerning services for which payment is due, and signature."

Contesting records procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

AO302.06bDACA

System name:

Absentee Apprehension/Reward/Expenses Payment System

Changes:

System Identification:

Delete suffix "b".

System location:

Delete "who * * * absentees."

After "Authority for maintenance of the system", add:

"Purpose(s): To provide basis for making payments for rewards and expenses."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses" at 48 FR 25503, June 6, 1983."

System manager(s) and address:

Delete entries: substitute therefor: "Commander, US Army Finance and Accounting Center, Ft. Benjamin Harrison, IN 46249."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records pertaining to them in this system of records should write as indicated in 'Notification procedure', providing the information required therein."

Contesting record procedures:

After "determination", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

AO305.05aDACA

System name:

Travel Payment System.

Changes:

System Identification:

Delete suffix "a."

After "Authority for maintenance of the system", add:

"Purpose(s): To provide basis for reimbursing military and civilian personnel for expenses incident to travel for official Government business and to account for such payments."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Change second sentence to read: "Access to automated files is controlled by assigned passwords."

AO305.08aDACA

System name:

Military Pay System-Active Army (Manual).

Changes:

System Identification:

Delete suffix "a".

After "Authority for maintenance of the system", add:

"Purpose(s): To provide a basis for establishing computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquires or claims pertaining to such entitlements."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph.

AO320.01aDAEN

System name:

Corps of Engineers Management Information System Files

Changes:

System Identification:

Delete suffix "a".

System location:

Delete entry; substitute therefor: "Finance and Accounting Offices in Corps of Engineers Division and District Offices; addresses may be obtained from the Chief of Engineers, Headquaraters, Department of the Army, Washington, DC 20314."

Categories of individuals covered by the system:

Delete entry; substitute the following: "Civilian and military employees of the Corps of Engineers located at Divisioin and District Offices."

Categories of records in the system:

Delete entry; substitute therefor: "Employee's name, SSN, pay rate, employing office, organizational location, cost codes, functional designator funds, coverage under Fair Labor Standards Act, travel advance record, and similar information."

After "Authority for maintenance of the system", add:

"Purpose(s): To compute employee labor and travel costs charged to the job worked on in the management of financial expenditures."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add: "and microfilm".

Safeguards:

Delete the last paragraph; add: "Microfilm produced by contract with vendors is maintained by the contractor under lock and key."

Retention and disposal:

Delete all information: substitute therefor: "Cost data as input documents and voucher output listings comprising employee labor and travel costs, and audit trail tapes of valid transactions are destroyed after 6 years and 3 months; punch cards which process these data are destroyed upon completion of audit by General Accounding Office. Internal/external output files containing these data are destroyed after 30 years. Utility files (output reports for maintaining and controlling transactions) are destroyed after 5 years. Magnetic tape data base containing transactions results processed by the update programs are retained for 30 years. Computer printouts and magnetic tapes are retained on microfilm. Records created prior to July 2, 1975 are destroyed after 10 years and 3 months; those created on/after July 2, 1975 are destroyed after 6 years and 3 months."

Record source categories:

Delete entry; substitute therefor: "From the individual; official Army records and reports."

AO401.08DAJA

System name:

Prosecutorial Files.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s): To prepare cases for prosecution before court-martial."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

System manager(s) and address:

Delete entry; substitute therefor: "The Judge Advocate General, Headquarters, Department of the Army".

Notification procedure:

Delete entry; substitute therefor: "Information may be obtained from the System Manager. Individual should furnish his/her full name, current address and telephone number, case number and office symbol of Army element which furnished correspondence to the individual, other personal identifying data that would assist in locating the records, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individual should sumbit a written inquiry to the System Manager, supplying information required under 'Notification procedure'."

Contesting record procedures:

Delete entry; substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From official Army records and reports, investigative documents, law enforcement agencies."

Systems exempted from certain provisions of the act:

Change entry to read: "Portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g)."

AO0509.08aDAPE

System name:

Registration and Permit Files.

Changes:

After "Authority for maintenance of the system", add:

"*Purpose(s):* To assist the commander in carrying out effective law enforcement, troop safety, and crime prevention program."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first two sentences.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add: "magnetic disc/tape, microfiche, computer printouts".

Notification procedure:

Delete entry; substitute therefor: "Individuals wishing to know whether or not this system or records contained information of them may inquire of the System Manager. Individual must provide full name, present address, sufficient details to permit locating the records, and signature."

Record access proceeding:

Delete entry; substitute therefor: "Individuals seeking access to records about themselves in this system should follow requirements in 'Notification procedure'."

Contesting record procedures:

Delete entry; substitute therefore: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Systems exempted from certain provisions of the act:

Change entry to read: "Portions of this system of records which fall within 5 U.S.C. 552a (k)(2) are exempt from the following provision of Title 5 U.S.C., section 552a: (c)(3)."

AO511.05DAPE

System name:

Traffic Law Enforcement/Vehicle Registration System: MPMIS.

Changes:

Authority for maintenance of the systems:

Add: "Status of Forces Agreement between the United States of America and the host country in which US Forces are located."

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Delete period and add: "and, in oversea areas, to the host country as required by the Status of Forces Agreement between the United States of America and the host country."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Rentention and disposal:

Add the following: "Traffic law enforcement records are destroyed 2 years after closing of case."

A0708.05DAAG

System name:

Emergency Data Files.

Changes:

System Identification:

Change "DAAG" to "DAPC".

System location:

Delete entries; substitute therefor: "US Army Military Personnel Center, 200 Stovall Street, Alexandra, VA 22332. Copy of Record of Emergency Data (DA (Form 41) exists in soldier's Military Personnel Records Jackets."

After "Authority for maintenance of the system", add:

"*Purpose(s):* To document names and addresses of person(s) to be notified in emergency situations; to determine lawful disposition of service member's pay and allowances when that member is missing, captured, or becomes a casualty."

Routine users of records maintained in the system, including categories of users and the purpose of such uses:

Delete entries; substitute therefor; "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing or records in the system:

Retrievability:

Change the second sentence to read: "Paper copy in MPRJ is retrieved by soldier's surname."

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332."

Notification procedure:

Delete information following "HQDA"; add: "(DAPC–PEZ–A), 200. Stovall Street, Alexandria, VA 22332; telephone: 703/325–7777."

Record access procedures:

Delete entries: substitute therefor: "Individuals desiring access to information in this system should inquire of the System Manager, ATTN: DAPC–PEZ–A, 200 Stovall Street, Alexandria, VA 22332, providing sufficient information to locate record desired."

Contesting record procedures:

After "determinations", delete remainder and add the following: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete information following "member".

AO708.18aDAAG

System name:

Line of Duty Investigations.

Changes

System Identification:

Delete suffix "a"; change "DAAG" to "DAPC". After "Authority for maintenance of the system", add:

"Purpose(s): To review facts and circumstances of service member's injury and render decision approving/

denying certain military benefits, pay and allowances".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first, second, fourth, and fifth paragraphs.

System manager(s) and address:

Deleted entry; substitute therefor: "Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332."

Contesting record procedures:

Delete period and add: "(32 CFR Part 505)."

Record source catgegories:

Insert at the beginning: "From the applicant".

AO726.06DAAG

System name:

Casualty Information System (CIS).

Changes:

System Identification:

Delete "DAAG"; add: "DAPC".

System location:

Delete: "The Adjutant General's Office, Headquarters, Department of the Army, Alexandria, VA 22331." Substitute therefor: "Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332".

After "Authority for maintenance of the system", add:

"Purpose(s): To respond to inquiries; to provide statistical data comprising type, number, place and cause of death of Army members."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6,1983."

System manager(s) and address:

Delete entry; substitute therefor: "Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332."

A1201.08aTRADOC

System name:

Marine Personnel Qualification/ Record of Service Files.

Changes:

System Identification:

Delete suffix "a".

System name:

Delete present name; substitute therefor: "Marine Qualification Board Records".

System location:

Delete "Transportation Education and Military Arts Department".

Categories of individuals covered by the system:

Delete entry; substitute therefor: "Military and civilian employees of the Army."

Categories of records in the system:

Delete entry; substitute therefor: "Marine Service Record (DA Form 3068–1), individual's request for examination, test results, character and suitability statements, physical qualification reports, experience qualifications and evaluations, commander's recommendation, Marine Qualification Board recommendation and final action thereon, US Army Marine Licenses (DA Forms 4309 and 4309–1), and similar relevant documents."

After "Authority for maintenance of the system", add the following:

"Purpose(s): To evaluate and recommend appropriate action concerning the issuance, denial, suspension, or revocation of US Army Marine Licenses; to award certification to individuals passing the marine qualification examination; to monitor test content and procedures to ensure that tests are valid and current; to award Special Qualification Identifiers to appointed Marine Qualification Field Examiners; to review marine casualty reports, incident reports, and investigations to re-evaluate qualifications of persons involved; to issue Marine Service Book to qualified individuals; and to maintain Marine Service Records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "US Coast Guard, Department of Transportation may be furnished information concerning certification and licensing of individuals, as appropriate."

Policies and practices for storing, retrieving, acessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "Records are retained for 40 years, after which they are destroyed by shredding."

Notification procedure:

Delete entry; substitute therefor: "Individuals who wish to know whether or not this system of records contains information on them should inquire of the Marine Qualification Board, US Army Transportation School, Ft Eustis, VA 23604. Individual should furnish name, pertinent details that will facilitate locating the record, current address, and signature."

Record access procedures:

Delete entries; substitute therefor: "For access to their records, individuals should submit a written request as indicated in 'Notification procedure', providing information required therein."

Contisting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefore: "From the individual, military and civilian personnel records and reports, civilian maritime records, US Coast Guard, commanders and vessel masters, and other appropriate sources able to furnish relevant information."

A1427.01aDALO

System name:

Laundry and Dry Cleaning Accounting Files.

Changes:

System Identification:

Delete suffix "a".

Categories of individuals covered by the system:

Delete all information following the first sentence.

Authority for maintenance of the system:

Delete information beginning with "also * * * Facilities."

Add: *"Purpose(s):* To determine patrons authorized laundry and dry cleaning service; to verify receipt and shipment of individual laundry bundles and amount of money deducted from soldier's pay; for management and statistical reports."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry; substitute therefor: "Paper records in file cabinets; magnetic tape."

Safeguards:

Delete entries; substitute therefor: "Records are accessible only to authorized individuals having need therefor."

Retention and disposal:

Delete entry; substitute therefor: "Records are retained for 1 year, after which they are destroyed by shredding/erasing."

SYSTEM MANAGER(S) AND ADDRESS:

Delete: "Chief, Services Branch * * * and Services,".

NOTIFICATION PROCEDURE:

Delete entry; substitute therefor: "Information in this notice may be obtained by inquiring of the Laundry Facility at the Army installation/activity where service was obtained."

RECORD ACCESS PROCEDURES:

Delete entry; substitute therefor: "Individuals wishing to access records concerning them in this system of records may inquire of the Laundry Facility at the installation providing service; individual should furnish name and pertinent data that will facilitate locating the record."

CONTESTING RECORD PROCEDURES:

Delete entry; substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Par 505)."

RECORD SOURCE CATEGORIES:

Delete information beginning with ", submitted by * * * personnel."

Systems A0102.02DAAG, A0301.07DAAG, A0302.03DACA, A0302.06DACA, A0305.05DACA, A0305.08DACA, A0306.20DACA, A0320.01DAEN, A0401.08DAJA, A0509.08aDAPE, A0511.05DAPE, A0708.05DAPC, A0708.18DAPC, A0726.06DAPC, A1201.68TRADOC, and A1427.01DALO read as follows:

A0102.02DAAG

SYSTEM NAME:

Office Visitor/Commercial Solicitor Files

SYSTEM LOCATION:

Segments may be maintained at Army Staff, field operating agencies, commands, installations, and activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vistors to Army installations/activities and/or commercial solicitors who represent an individual, firm, corporation, academic institution, or other enterprise involved in official or business transactions with the Department of the Army and/or its elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals' name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor/solicitor.

SAFEGUARDS:

Records are maintained in file cabinets with access limited to official having need therefor.

RETENTION AND DISPOSAL:

Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander/supervisor maintaining the information

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system of records should inquire of the appropriate commander; official mailing addresses are in the appendix to the Army system notices at 48 FR 25773, June 6, 1983.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0301.07DAAG

SYSTEM NAME:

Army Club Membership Files

SYSTEM LOCATION:

Decentralized at Army installations: files are maintained by the Officers' or NCO club manager at Army installations having club activities. Official mailing addresses are in the appendix to Army system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military (active, reserve, retired), personnel, their dependents, and/or civilian employees who apply for membership in any Army club.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, address, phone number; name of spouse; credits, merchandise code, date of purchase, card number, club bill, and similar related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To administer club accounts, prepare billings, collect monies, and disseminate information concerning club activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, magnetic tape/disc, computer printouts.

RETRIEVABILITY:

By member's name, SSN, or membership number.

SAFEGUARDS:

Information is maintained in secured areas accessible only to authorized persons.

RETENTION AND DISPOSAL:

Retained as long as member is active; destroyed 3 years after membership is discontinued.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from The Adjutant General, ATTN: Director, MWR Business Operations, 2461 Eisenhower Avenue, Alexandria, VA 22331.

RECORD ACCESS PROCEDURES:

Individuals may inquire of the club of which a member for information pertaining to him/her, furnishing full name, SSN, present address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0302.03DACA

SYSTEM NAME:

Subsidiary Ledger Files (Accounts Receivable)

SYSTEM LOCATION:

Finance and Accounting Offices, world-wide; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel with the Department of Army, Department of Defense, and other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual control files for services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To maintain records of charges due the Army for services provided and to effect collection action, i.e., telephone, quarters, food, clothing, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files.

RETRIEVABILITY:

By individual's surname, or SSN.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after closing ledger accounts.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46249.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may inquire of the System Manager or from the finance and accounting office where service was provided. Individual should provide full name, SSN, current address, and sufficient details to enable locating the record.

RECORD ACCESS PROCEDURES:

Individuals wishing access to records pertaining to them should follow the requirements in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, finance and accounting offices, member's commanding officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0303.06DACA

SYSTEM NAME:

Absentee Apprehension/Reward/ Expenses Payment System

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices; addresses are available in the appendix to Army system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may have apprehended service members who are absentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment vouchers and documents used for payment of rewards and expenses for apprehension of absentees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Annual Appropriations Act.

PURPOSE(S):

To provide basis for making payments for rewards and expenses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper vouchers and documents in file folders.

RETRIEVABILITY:

Numerically be voucher numbers by disbursing station symbol numbers and alphabetically by individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only lto authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Vouchers and documents used for payment are destroyed after 3 years except those to which exception was taken by the General Accounting Office which are retained until cleared; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Ft Benjamin Harrison, IN 46249.

NOTIFICATION PROCEDURES:

Information may be obtained from the finance and accounting officer who made the payment. Individual must provide full name, current address, and pertinent information regarding items or payment to permit locating records.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves in this system of records should follow information in "Notification procedure".

CONTESTING RECORD PROCEDURE:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; from Army records and reports; and similar relevant sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.05DACA

SYSTEM NAME:

Travel Payment System.

SYSTEM LOCATION:

Decentralized to Finance and Accounting Offices worldwide; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of the Department of the Army, Department of Defense and its components and other individuals who perform invitational traval for the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel vouchers and documents used to effect travel allowance payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Department of Defense Annual Appropriations Act; 5 U.S.C., sections 5701–5742; 10 U.S.C., sections 828, 832, 946, 3012; 28 U.S.C., section 1821; 37 U.S.C., sections 404–427.

PURPOSE(S):

To provide basis for reimbursing military and civilian personnel for expenses incident to travel for official Government business and to account for such payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, cards, magnetic tape/disc, cassettes, computer printouts, and microfiche.

RETRIEVABILITY:

By individual's surname and/or SSN.

SAFEGUARDS:

Records are accessible only to authorized persons who are properly screened, cleared and trained. Buildings employ security guards and/or military police patrols. Access to automated files is controlled by assigned passwords.

RETENTION AND DISPOSAL:

Individual vouchers and documents used for payment are retained at the installation making payment until end of month, following which they are sent to the US Army Finance and Accounting Center.

Signature cards used for approval of certain vouchers are retained at installation where payments are made until 3 years after date of revocation of authority, following which they are destroyed.

Records of travel payments are retained at installation making current payments. Military member's record is transferred to new servicing finance office upon permanent change of station or to the US Army Finance and Accounting Center upon death or separation from active duty. Civilian employee's record is transferred to new servicing finance office upon reassignment and destroyed upon termination of service. Records for individual's performing invitational travel are destroyed 1 year from date of final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring information on them from this system should inquire of the Finance and Accounting Officer who currently pays them. For periods of Army service prior to current assignment, request should be addressed to the Commander, US Army Finance and Accounting Center, ATTN: FINCR, Indianapolis, IN 46249. Individual must provide full name and SSN as well as current address.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to them should write either to the appropriate Finance and Accounting Officer where record is believed to exist, or to the Commander, US Army Finance and Accounting Center providing information required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Department of Defense staff agencies and field commands/installations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO305.08DACA

SYSTEM NAME:

Military Pay System—Active Army (Manual).

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices world-wide; addresses may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Enlisted Program 63 Reservist and National Guard, active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders, miscellaneous military pay files and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., section 101 et seq.

PURPOSE(S):

To provide a basis for establishing computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

Treasury Department: to record check and bond issue data and taxable earnings and taxes withheld.

Social Security Administration: to record earned wages by member under the Federal Insurance Contributions Act.

Veterans Administration: to record collection of premiums for National Service Life Insurance.

States and Cities which have an agreement with the Department of the Army to verify tax liability against member's state and city income tax returns.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage; card files.

RETRIEVABILITY:

By SSN, name, substantiating document number.

SAFEGUARDS:

Records are accessible only to authorized persons who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention periods vary according to category of record but total retention does not exceed 56 years. Disposition is as required by Army Regulations 37–104–3, 625–10 and 640–10.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager, ATTN: FINCP, and furnishing full name, SSN, military status, and home address.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system pertaining to them should write to either the appropriate Finance and Accounting Office or the System Manager, and provide the information in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations and the Treasury Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO306.220DACA

SYSTEM NAME:

Military and Civilian Waiver Files.

SYSTEM LOCATION:

US Army Finance and Accounting Center, Indianapolis, IN 46249

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present or former Army members or civilian employees who apply for waiver of claims arising out of erroneous payments of pay and allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, employment history, reports of investigation, copies of vouchers, certificates, record of disposition, and correspondence with the US General Accounting Office, Army staff offices, and other government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To determine the validity of waivers or to make referrals to the US General Accounting Office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor, within buildings which employ security guards.

RETENTION AND DISPOSAL:

Records are retained until waiver is approved/denied.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: Chief, Claims/Inquiries Division; telephone: 317/542–2793.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information about themselves in this system of records should write to the System Manager, ATTN: Chief, Claims/Inquiries Division, Centralized Pay Operations, providing their full name, SSN, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army Finance and Accounting Offices; and other Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO320.01DAEN

SYSTEM NAME:

Corps of Engineers Management Information System Files.

SYSTEM LOCATION:

Finance and accounting offices in Corps of Engineers Division and District Offices; addresses may be obtained from the Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military employees of the Corps of Engineers located at Division and District Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, SSN, pay rate, employing office, organizational location, cost codes, functional

designator funds, coverage under Fair Labor Standards Act, travel advance record, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To compute employee labor and travel costs charged to the job worked on in the management of financial expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and printouts; microfilm.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

Computers in which system information resides are located in locked rooms which are accessible only to authorized persons possessing a special badge or password. Microfilm produced by contract with vendors is maintained by the contractor under lock and key.

RETENTION AND DISPOSAL:

Cost data as input documents and voucher output listings comprising employee labor and travel costs, and audit trail tapes of valid transactions, are destroyed after 6 years and 3 months; punched cards which process these data are destroyed upon completion of audit by General Accounting Office. Internal/external output files containing these data are destroyed after 30 years. Utility files (output reports for maintaining and controlling transactions) are destroyed after 5 years. Magnetic tape data base containing transactions results processed by the update programs are retained for 30 years. Computer printouts and magnetic tapes are retained on microfilm. Records prior to July 2, 1975 are destroyed after 10 years and 3 months; those created on/after July 2, 1975 are destroyed after 6 years and 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the servicing comptroller office within the Corps of Engineers district/division.

RECORD ACCESS PROCEDURES:

Individual requests should be addressed as provided in "Notification procedure"; individual must provide his/her full name and SSN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; official Army records and reports

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

AO401.08DAJA

SYSTEM NAME:

Prosecutorial Files.

SYSTEM LOCATION:

Decentralized at Staff Judge Advocate Offices at organizations the addresses for which are in the appendix to Army system notices (see 48 FR 25773, June 6, 1983).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is pending trial by court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Witness statements; pre-trial advice; documentary evidence; exhibits; evidence of previous convictions; personnel records; recommendations as to the disposition of the charges; explanation of any unusual features of the case; charge sheet; and criminal investigation reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11476, June 19, 1969, Manual for Court-Martial, United States; as revised by Executive Order 12473, effective August 1, 1984.

PURPOSE(S):

To prepare for prosecution before court-martial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individual should furnish his/her full name, current address and telephone number, case number and office symbol of Army element which furnished correspondence to the individual, other personal identifying data that would assist in locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individual should submit a written inquiry to the System Manager, supplying information required under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From official Army records and reports, investigative documents, law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

AO509.08aDAPE

SYSTEM NAME:

Registration and Permit Files.

SYSTEM LOCATION:

Army installations; official mailing addresses are in the appendix to Army

system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen registering restricted items of property on a military installation or desiring to engage in restricted activities on a military installation. Items/activities include but are not limited to privately owned firearms/weapons, pets, and hunting and fishing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration form for items of restricted property; permit application for restricted activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To assist the commander in carrying out effective law enforcement, troop safety, and crime prevention programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is furnished to criminal justice elements outside the Department of Defense for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; US Customs Services; Bureau of Alcohol, Tobacco and Firearms; US District Courts; US Magistrates; state and local law enforcement, wildlife conservation and public health agencies; and, in oversea areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic disc/tape; microfiche; computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon removal of the restricted property from the military installation or upon expiration of the permit.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system of records contains information on them may inquire of the System Manager. Individual must provide full name, present address, sufficient details to permit locating the records, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves in this system should follow requirements in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Any citizen desiring/required to register firearms/weapons, pets, etc., that will be maintained within or desiring to hunt/fish within the confines of an Army installation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records which fall within 5 U.S.C. 552a(k)(2) are exempt from the following provision of Title 5 U.S.C., section 552a: (c)(3).

AO511.05DAPE

SYSTEM NAME:

Traffic Law Enforcement/Vehicle Registration System: MPMIS

SYSTEM LOCATION:

Provost Marshal at Army installations; addresses are provided in the appendix to Army system notices (see 48 FR 25773, June 6, 1983).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel (active, reserve, retired), civilian employees, contractor personnel, vendors, visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 3626, Vehicle Registration/Driver Record, containing individual's name, SSN, vehicular data (i.e., year, make, model, ID, license number, state); operator permit, number, state; decal number; car pool data; notices, summons, and other documents concerning moving traffic violations, charges, and suspension/revocation of parking/driving privileges; unit rosters of registrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; 5 U.S.C., section 301; Status of Forces Agreement between the United States of America and the host country in which US Forces are located.

PURPOSE(S)

To assist the commander in carrying out effective law enforcement, traffic safety, and crime prevention programs; to ensure compliance with Highway Safety Program Standards (23 U.S.C., section 402) applicable to federally administered areas; to provide management data on which to base crime prevention, selective enforcement, and improved driving safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to State law enforcement and motor vehicle departments for ascertaining or disclosing driver information and/or accident reports, and, in oversea areas, to the host country as required by the Status of Forces Agreement between the United States of America and the host country.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card indices. An automated registration system may exist at some Army installations.

RETRIEVABILITY:

By surname/SSN.

SAFEGUARDS:

Information is accessed only by designated persons having official need therefor, and is stored in locked containers or storage areas within buildings which are secured.

RETENTION AND DISPOSAL:

Destroyed on transfer or separation of parking permit holder, or when permit is superseded or revoked, whichever occurs first. Traffic law enforcement records are destroyed 2 years after closing of case.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system may inquire of the Provost

Marshal at the installation where vehicle registration or accident occurred.

RECORD ACCESS PROCEDURE:

Requests for access should be addressed as indicated in "Notification procedure": individual should provide full name, current address, and sufficient details to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; participants in car pools; military or civilian police reports; investigative and law enforcement agencies; third parties who provde relevant information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempted from the following provisions of Title 5 U.S.C. section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f), and (g).

A0708.05DAPC

SYSTEM NAME:

Emergency Data Files.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. Copy of Record of Emergency Data (DA Form 41) exists in soldier's Military Personnal Records Jacket.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains DA Form 41, Record of Emergency Data. Document reflects the service member's name, SSN, spouse and children's names and current address; persons to be and not to be notified in the event of death or injury, information on wills, insurance, and other such information; designation of beneficiaries for certain benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To document names and addresses of person(s) to be notified in emergency situations; to determine lawful disposition of service member's pay and allowances when that member is missing, captured, or becomes a casualty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Machine process-d card in vertical file; paper copy in Military Personnel Records Jacket.

RETRIEVABILITY:

Card is retrieved by SSN; paper copy in MPRJ is retrieved by soldier's surname.

SAFEGUARDS:

Building employs security guards; the office in which record is located is in operation 24 hours a day, 7 days a week. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

The Emergency Data Card is retained until individual separates from the Army; then destroyed. Copy in the MPRJ is retired with the MPRJ. If individual dies, the form becomes part of the casualty case file which is retired upon completion to the National Personnel Records Center (Military), St Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from HQDA (DAPC–PEZ–A), 200 Stovall Street, Alexandria, VA 22332; telephone: 703/325–7777.

RECORD ACCESS PROCEDURE:

Individuals desiring access to information in this system should inquire of the System Manager, ATTN: DAPC–PEZ–A, 200 Stovall Street, Alexandria, VA 22332, providing sufficient information to locate record desired.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.18DAPC

SYSTEM NAME:

Line of Duty Investigations.

SYSTEM LOCATION:

Personnel Actions Branch of Army installations; official mailing addresses are in the appendix to Army system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Service members who have been injured.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 2173 (Statement of Medical Examination and Duty Status); DD Form 261 (Report of Investigation-Line of Duty and Misconduct Status); and supporting documents such as military police reports, accident reports, witness statements, and appointment instruments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 972, 1204, 1207, 3722; 37 U.S.C., section 802.

PURPOSE(S):

To review facts and circumstances of service member's injury and render decision approving/denying certain military benefits, pay and allowances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be provided to the Veterans Administration or other Government agencies, to include State agencies, for a determination of the service member's entitlements to benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By service member's surname.

SAFEGUARDS:

Records are maintained in metal file cabinets accessible only to designated authorized personnel.

RETENTION AND DISPOSAL:

The original is a permanent part of member's Official Military Personnel File. Copies filed in offices of the investigating officer, unit commander,

appointing authority, and final reviewing authority are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from:

a. Commander, US Army Enlisted Records and Evaluation Center, Ft. Benjamin Harrison, IN 46249 (for enlisted personnel on active duty);

b. HQDA, US Army Military Personnel Center, ATTN: DAPC–PAR–R, 200 Stovall Street, Alexandria, VA 22332 (for officers on active duty);

c. Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132 (for Army reserve personnel);

d. National Personnel Records Center (Military), 9700 Page Boulevard, St Louis, MO 63132 (for separated enlisted and officer personnel).

Individual must provide full name, SSN, present address, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring to access information pertaining to them should submit a written request as indicated in "Notification procedure", providing the information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rule for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the applicant; medical records, DA Form 2173, service member's commander, official Army records and reports, witness statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

A0726.06DAPC

SYSTEM NAME:

Casualty Information System (CIS).

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. A manual segment of this system pertaining to Army reserve members not on active duty exists at the US Army Reserve Components Personnel and Administration Center, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are reported as casualties in accordance with Army Regulation 600–10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, date of birth, branch of service, organization, duty military occupational specialty, rank, sex, race, religion, home of record, and other pertinent information; DD Form 1300, notification/certificate of death; and documents pertaining to Servicemen's Group Life Insurance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; Pub. L. 93–289.

PURPOSE(S):

To respond to inquiries; to provide statistical data comprising type, number, place and cause of death of Army members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer printouts, punch cards, paper records in file cabinets.

RETRIEVABILITY:

By individual's name and/or SSN.

SAFEGUARDS:

All information is restricted to a secure area in buildings which employ security guards. Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Written requests must contain the individual's name, current address and telephone number, and should identify the person who is the subject of the inquiry by name, rank and SSN.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From casualty reports received from Army commanders or from next-of-kin who provide notification or certificate of death.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1201.08TRADOC

SYSTEM NAME:

Marine Qualification Board Records.

SYSTEM LOCATION:

Marine Qualification Board, US Army Transportation School, Ft Eustis, VA 23604.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Marine Service Record (DA Form 3068–1), individual's request for examination, test results, character and suitability statements, physical qualification reports, experience qualifications and evaluations, commander's recommendation, Marine Qualification Board recommendation and final action thereon, US Army Marine Licenses (DA Forms 4309 and 4309–1), and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To evaluate and recommend appropriate action concerning the issuance, denial, suspension, or revocation of US Army Marine Licenses; to award certification to individuals passing the marine qualification examination; to monitor test content and procedures to ensure that tests are valid and current; to award Special Qualification Identifiers to appointed Marine Qualification Field Examiners; to review marine casualty reports, incident reports, and investigations to re-evaluate qualifications of persons involved; to issue Marine Service Book to qualified individuals; and to maintain Marine Service Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The US Coast Guard, Department of Transportation may be furnished information concerning certification and licensing of individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained within a building secured during non-duty hours, and are available only to authorized individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are retained for 40 years, after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Individuals who wish to know whether or not this system of records contains information on them should inquire of the Marine Qualification Board, US Army Transportation School, Ft Eustis, VA 23604. Individual should furnish name, pertinent details that will facilitate locating the record, current address, and signature.

RECORD ACCESS PROCEDURE:

For access to their records, individuals should submit a written request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, military and civilian personnel records and reports, civilian maritime records, US Coast Guard, commanders and vessel masters, and other appropriate sources able to furnish relevant information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1427.01DALO

SYSTEM NAME:

Laundry and Dry Cleaning Accounting Files.

SYSTEM LOCATION:

All laundries at Army installations world-wide. DA Form 3799 is maintained also at US Army Finance and Accounting Center, Indianapolis, IN 46249.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are authorized payroll deduction service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for laundry and/or dry cleaning start or stop deductions (DA Form 3799), laundry mark, organizational code number, amount deducted from pay monthly for laundry or dry cleaning service, date, and organization name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S)

To determine patrons authorized laundry and dry cleaning service; to verify receipt and shipment of individual laundry bundles, and amount of money deducted from soldier's pay; for management and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; magnetic tape.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to authorized individuals having need therefor.

RETENTION AND DISPOSAL:

Records are retained for 1 year, after which they are destroyed by shredding/erasing. DA Form 3799 is retained indefinitely until laundry or dry cleaning service is cancelled by the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information in this notice may be obtained by inquiring of the Laundry Facility at the Army installation/activity where service was obtained.

RECORD ACCESS PROCEDURES:

Individuals wishing to access records concerning them in this system of records may inquire of the Laundry Facility at the installation providing service; individual should furnish name and pertinent data that will facilitate locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing intitial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual: DA Form 3799.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–19506 Filed 7–23–84; 8:45 am]
BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Executive Committee Meeting

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Executive Committee of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: August 10, 1984.

ADDRESS: Department of Education, Horace Mann Learing Center, Patterson Room (1130), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Intergovernmental Advisory Council on Education, Department of Education, 300 7th Street SW., Room 513, Washington, D.C. 20202 (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and the President

concerning intergovernmental policies and relations pertaining to education.

The Executive Committee will meet on Friday, August 10, from 9 a.m. to 3 p.m. The proposed agenda includes:

Reevaluation of Hearings Concept;

Plans for Fiscal Year 1985;

Discussion of Possible Survey of States on Implementation of New Education Programs.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Intergovernmental Advisory Council of Education, Reporters Building, 300 7th Street SW., Room 513, Washington, D.C.

Signed at Washington, DC., on Monday, July 16, 1984.

Nancy L. Harris,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 84-19458 Filed 7-23-84; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting Change

AGENCY: National Advisory Council on Indian Education.

ACTION: Amendment to notice.

SUMMARY: This document is intended to notify the general public of a change to a notice of a meeting of the Executive Committee, published July 12, 1984, on Pages 28431 and 28432. The time, location, and agenda remain the same except that the Executive Committee will meet in closed session on August 1, 1984, from 9:00 to 10:00 a.m. The Executive Committee will meet in closed session to discuss personnel matters involving the selection of the Director, Indian Education Programs. These discussions will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemption (6) of Section 552b(c) of Title 5 U.S.C. of the Government in the Sunshine Act.

The public is being given less than fifteen days notice of this closed session due to the exceptional emergency nature of the situation.

A summary of the activities of the closed session and related matters which would be informative to the public consistent with the policy of Section 552b(c) of Title 5 U.S.C. will be available to the public within 14 days of the meeting at the Council's office, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: July 19, 1984.

Signed at Washington, D.C.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 84-19668 Filed 7-23-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP84-531-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

July 19, 1984.

Take notice that on June 29, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734 Shreveport, Louisiana 71151, filed in Docket No. CP84-531-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and exchange of gas with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its application is meant to be a companion to Panhandle's abandonment application filed in Docket No. CP83-459-000, wherein Panhandle is said to be requesting authorization to abandon the same exchange. It is stated that Applicant delivers gas to Panhandle in Ellis County, Oklahoma, and that Panhandle delivers equivalent volumes of gas to Applicant. It is further stated that Panhandle would be performing a transportation service for Applicant as a substitute for the exchange service sought to be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19509 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-545-000]

Arkansas Louisiana Gas Co. a Division of Arkla, Inc.; Request Under Blanket Authorization

July 19, 1984.

Take notice that on July 5, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP84-545-000 a request pursuant to § 157.205 of the Commission's Regulations that Arkla proposes to abandon approximately 300 feet of 2-inch transmission line and 1,200 feet of 4-inch transmission line in Pontotoc County, Oklahoma, under the authorization issued in Docket No. CP82-384-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Arkla indicates that the transmission facilities proposed to be abandoned would be replaced by Arkla's extending a distribution line into the same area. Also Arkla states that Arkla would not discontinue service to the ten retail customers served off the transmission facilities because the transmission facilities would not be abandoned until the new distribution line is in place. Arkla states that the transmission facilities to be abandoned consist of old, deteriorated pipe that runs through a new housing development.

Any person of the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenenth. F. Plumb,

Secretary

[FR Doc. 84-19510 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-556-000]

Arkansas Western Gas Co.; Application

July 19, 1984

Take notice that on July 9, 1984, Arkansas Western Gas Company (Applicant), 1001 Sain Street, Fayetteville, Arkansas 72701, filed in Docket No. CP83-228-000 an application pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations (18 CFR 284.127) for authorization to transport up to 10,000 Mcf of natural gas per day for Arkansas-Louisiana Gas Company (Arkla), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would transport up to 10,000 Mcf per day to an existing point of delivery with Arkla for a term ending May 1, 1987. Applicant further states that the gas would be transported by Arkla, as part of Arkla's ECOSHARE program, to Agrico Chemical Company's (Agrico) fertilizer plant in Blytheville, Arkansas. It is said that the gas to be transported would be purchased by Argico from Arkansas Gas Gathering Company. Applicant proposes to charge a rate of 11.76 cents per Mcf for the transportation service and submits that said rate is fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules and Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19511 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-548-000]

Bayou Interstate Pipeline Corp.; Application

July 19, 1984

Take notice that on July 9, 1984, Bayou Interstate Pipeline Corp. (Applicant), 1200 Milan, Suite 2700, Houston, Texas 77002, filed in Docket No. CP84-548-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations under the Natural Gas Policy Act of 1978 for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests a one-time blanket certificate which would authorize the transportation of natural gas by Applicant for the system supply of other interstate pipeline companies. Applicant states that it would comply with § 284.221(d) of The Commission's Regulations. Applicant further states that it understands that the pre-granted abandonment of any transportation service rendered pursuant to the requested blanket authorization is authorized upon the expiration of the term of each individual transportation arrangement authorized under such blanket certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules and Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdicition conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19512 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-M-M

[Docket No. CP77-8-004]

Columbia Gulf Transmission Co.; Petition To Amend

July 19, 1984.

Take notice that on June 25, 1984, Columbia Gulf Transmission Company (Petitioner), P.O., Box 683, Houston, Texas 77001, filed in Docket No. CP77-8-004 a petition to amend the order issued May 6, 1977[1], as amended, in Docket No. CP77-8, pursuant to section 7(c) of the Natural Gas Act so as to authorize a reduction in the daily contract demand level of gas to be transported by Petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to the public inspection.

Petitioner requests that it be permitted to reduce the daily contract demand transportation service it provides for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), from 14,000 Mcf of gas per day to 2,000

[1] This proceeding was commenced before the F.P.C. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Mcf per day, effective November 18, 1983. This reduction is necessary, it is stated, because of a reduction in deliverability to Northern in the Eugene Island, offshore Louisiana, area. It is asserted that the proposed reductions are pursuant to the November 18, 1983, amendment of Petitioner's and Northern's transportation agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19513 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-188-005]

Consolidated Gas Transmission Corp.; Petition To Amend

July 19, 1984.

Take notice that on June 27, 1984, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-188-005 a petition to amend further the order issued August 19, 1981, in Docket No. CP81-188-000, as amended pursuant to Section 7(c) of the Natural Gas Act so as to extend the authorization for the transportation of natural gas to Niagara Mohawk Power Corporation (Niagara Mohawk) through October 31, 1985, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Consolidated states that the order issued August 19, 1981, as amended, authorizes Consolidated to tranport and deliver up to 102,000 dt equivalent of natural gas per day to Niagara Mohawk for use as fuel in the generation of electric power at Niagara Mohawk's Albany, New York, steam plant. It is stated that the authorization for this service expires October 31, 1984. Consolidated proposes herein to extend the transportation and delivery of natural gas to Niagara Mohawk through October 31, 1985. In all other respects Consolidated requests that the existing authorizations remain in full force and effect. Consolidated proposes to continue charging Niagara Mohawk the 100 percent load factor Rate Schedule RQ three-part rate, subject to all purchased gas cost adjustments.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19514 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-520-000]

Consolidated Gas Transmission Corp.; Application

July 19, 1984.

Take notice that on June 27, 1984, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP84-520-000 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission facilities at its existing Schutte compressor station, located in Doddridge County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated proposes to install one 660 horsepower compressor unit in 1984, and another in 1985, on the site of its existing Schutte compressor station, which station presently consists of a 440 horsepower compressor unit which performs a gas-supply function. The two new units would be connected to Consolidated's 16-inch Line No. TL-283, which extends from Consolidated's Hastings Complex in Wetzel County, West Virginia, to the community of Clarksburg, in Harrison County, West Virginia, it is explained. Consolidated states that it presently uses the pipeline to move gas from Hastings to meet the peak-day requirements of its customer, Hope Gas, Inc. Consolidated proposes during off-peak periods to reverse the flow of gas in the pipeline and, using the proposed compressor engines as relay units, to move locally produced gas out of the eastern portion of West Virginia and through its Hasting Complex, into its general supply.

Consolidated states that recent increases in local production and reductions in market demand have created an oversupply of gas in eastern West Virginia and that Consolidated's system is presently unable to move locally produced gas out of this area. Consolidated asserts that the proposed facilities would provide Consolidated with the operating flexibility to reverse the flow of gas in Line No. TL-283 and enable it to move local production out of eastern West Virginia.

The estimated cost of the proposed facilities is $1,600,000, exclusive of Commission filing fees. Consolidated states that the facilities would be financed from funds to be obtained from its parent, Consolidated Natural Gas Company, and from funds on hand. It is stated that no additional sales or services are proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held

without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Consolidated to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19515 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-190-002]

Columbia Gulf Transmission Co., et al.; Supplement

July 19, 1984.

Take notice that on June 15, 1984, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, and Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP76-190-002 a supplement to the pending petition to amend filed on June 20, 1983, in Docket No. CP76-190-001 pursuant to section 7(c) of the Natural Gas Act so as to authorize the exchange of gas on a thermal basis at an additional delivery point, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By the pending petition in Docket No. CP76-190-001, authorization is requested for the exchange and redelivery of an additional source of natural gas available to Columbia Gas in the Lake Raccourci Field, Lafourche Parish, Louisiana, pursuant to the terms of the December 8, 1982, amended exchange agreement.

In Docket No. CP76-190-002, a supplement to the petition to amend was filed so as to clarify the pending petition to amend in Docket No. CP76-190-001 so as to include a request for authorization to exchange natural gas on a thermal instead of volumetric basis and to include an additional delivery point to the October 1, 1975, exchange agreement, as amended. It is explained that pursuant to the terms of a December 8, 1982, amended exchange agreement, TETCO would receive from Columbia Gas up to 1 billion Btu of gas per day at TETCO's existing measuring station in the Raccourci Field and TETCO would then deliver to Columbia Gulf for the account of Columbia Gas a thermally equivalent quantity of gas at the outlet side of Sea Robin Pipeline Company's (Sea Robin) existing measuring station at or near the terminus of Sea Robin's offshore pipeline near Erath, Vermilion Parish, Louisiana. It is stated that the additional delivery point near Erath, Vermilion Parish, Louisiana, would provide the three companies with operating flexibility.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19516 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-100-000]

Equitable Gas Co.; Request for Waiver

July 18, 1984.

Take notice that on July 11, 1984, Equitable Gas Company (Equitable) tendered for filing a request that the Federal Energy Regulatory Commission (Commission) waive the PGA filing scheduled for July 31, 1984, in the matter of New Jersey Natural Gas Company pending final accounting for purchased gas cost at expiration of the contract between Equitable and New Jersey Natural Gas Company on October 31, 1984. Equitable also requested that it be permitted to continue its "minor" PGA filings in the format previously established by waiving the requirement to use Form 542-PGA.

Equitable states that October 31, 1984 will be the final date of its service for firm sales to New Jersey Natural Gas Company under Rate Schedule GS-2. Since October 31, 1984 is only two months beyond the starting date of the new PGA on September 1, 1984, Equitable petitions the Commission to waive the PGA filing due July 31, 1984 as it would appear to be unnecessary and impractical to start a new PGA rate.

Equitabled further states that it is classified as a pipeline company under the Natural Gas Act primarily because of its facilities that are used to transport natural gas between Pennsylvania and West Virginia. Approximately 94 percent of Equitable's annual gas sales are made to retail customers at rates regulated by the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission. Presently, only 6 percent of annual sales are jurisdictional and this amount will decrease to a mere 0.12 percent in November, 1984 upon expiration of the New Jersey contract. Equitable believes that it is not truly a pipeline company in respect to jurisdictional sales or related purchased gas and should be relieved of the filing requirements embodied in Form 542-PGA. Equitable also maintains its records in accordance with local jurisdictional requirements which are not compatible with those of Form 542-PGA and therefore, it would have to spend an unreasonable amount of time and effort to comply with the new format.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protest should be filed on or before July 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19514 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-543-000]

Equitable Gas Co.; Application

June 19, 1984.

Take notice that on July 5, 1984, Equitable Gas Company (Applicant), 420

Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP84-543-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 100,000 dt equivalent of natural gas per day on a best-efforts basis to Public Service Electric and Gas Company (PSE&G), for resale until October 31, 1985, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in accordance with a May 1, 1984, agreement between Applicant and PSE&G (Agreement), it proposes to sell gas to PSE&G at a price lower than Applicant's current average system load factor rate. Applicant proposes that the price would be set at a level which would be competitive in the market place, but would not be less than Applicant's average weighted commodity cost of gas. Applicant also states that the Agreement provides for monthly adjustments of the price to account for fluctuations in the Applicant's average weighted cost of gas. In this regard, Applicant requests a variance from the pricing provisions of the Commission's Policy Statement on Off-System Sales in Docket No. PL83-2-000 (23 FERC ¶ 61,140).

Applicant states that Texas Eastern Transmission Corporation (TETCO) would transport the gas by displacement to PSE&G. PSE&G proposes to arrange and pay for the transportation by TETCO.

Applicant alleges that the gas to be sold is surplus to the requirements of Applicant's customers. Additionally, Applicant states that the proposed sale would enable Applicant to sell up to 100,000 dt per day of gas off-system to avoid estimated minimum bill charges of $1,000,000 to its pipeline supplier, TETCO, in 1984. Applicant states no construction would be necessary as delivery of the gas will be made by a displacement through existing delivery points with TETCO.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19519 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-538-000]

Florida Gas Transmission Co.; Application

July 19, 1984.

Take notice that on July 3, 1984, Florida Gas Transmission Company (Applicant), P.O Box 44, Winter Park, Florida 32790, filed in Docket No. CP84-538-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a side tap on each of Applicant's twin mainlines to enable Applicant ot receive landfill gas produced near the City of Pompano Beach, Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant further requests authority to recover the cost of landfill gas under its purchased gas adjustment clause (PGA clause) in First Revised Volume No. 1 of its FERC Gas Tariff.

It is stated that Waste Management, Inc. of Florida (WMI) plans to construct, own, and operate a landfill methane recovery system near the City of Pompano Beach, Florida. It is explained that the landfill would produce gas as a result of decomposition of organic waste, which gas would be recovered by a series of wells, and gathered by a network of pipelines and that the gas would be compressed to pipeline pressure and processed in order to remove excess water, carbon dioxide and heavy hydrocarbons. Prior to delivery, the gas would be injected by propane injection to an average heating volume of approximately 980 Btu per cubic foot, it is submitted.

Applicant states that it has entered into a gas purchase contract, dated May 18, 1984, with WMI to purchase the gas produced at the landfill for a term of fifteen years. It is estimated that approximately 3 billion Btu per day would be produced, with first deliveries commencing in May, 1985.

It is further stated that the price of the landfill gas is comparable to prices Applicant is paying for new long-term gas supplies from conventional sources. Applicant states it would pay eighty percent of the equivalent price per million Btu of No. 6 fuel oil for each million Btu of landfill gas delivered, with the price changing each month in accordance with changes in the price of No. 6 fuel oil. Such price would be the total price, without any added adjustments, it is submitted.

It is explained that WMI would construct, in addition to the landfill methane recovery system, approximately 2,000 feet of pipeline from the tailgate of the landfill to the Applicant's twin mainlines. Applicant proposes to construct and operate a measurement facility at the landfill and a side tap necessary to connect WMI's pipeline to each of the Applicant's twin mainlines. The measurement facility and side taps, it is alleged, would cost $48,992 and WMI would reimburse Applicant for the net depreciated value of the measurement facility if WMI cancels the agreement pursuant to the terms thereof or if WMI fails to deliver gas meeting the quality specifications for a period of more than 120 consecutive days prior to the delivery of two million Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commssion's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party too a proceeding or to participate as a party in my hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commision's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19520 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-554-000]

Florida Gas Transmission Co.; Request Under Blanket Authorization

July 19, 1984

Take notice that on July 9, 1984, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP84-554-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that FGT proposes to abandon a meter station and appurtenant facilities under the authorization issued in Docket No. CP82-553-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

FGT proposes to abandon a meter station and appurtenant facilities which were installed to deliver natural gas to a direct sale customer, the Estech Acid Plant (Estech), a phosphate fertilizer facility located in Agricola, Florida. It is stated that deliveries of gas to Estech through this delivery point ceased on December 4, 1981, and Estech has notified FGT that the facilities at the delivery point are no longer needed and that Estech consents to the abandonment of facilities by FGT.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205) of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19521 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-539-000]

Florida Power & Light Co.; Filing

July 19, 1984

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 12, 1984, tendered for filling a document entitled Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Starke, Florida.

FPL states that under the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Starke, Florida, FPL will transmit power and energy for the city of Starke (Starke) as is required by Starke in the implementation of its interchange agreements with: The Fort Pierce Utilities Authority; the City of Gainesvile, Florida; the City of Homestead, Florida; Tampa Electric Company; and the City of Vero Beach, Florida.

EPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Agreement be made effective July 11, 1984. EPL states that copies of the filing were served on the Superintendent of Power Resources, City of Starke, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19522 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-140-002]

K N Energy, Inc.; Petition To Amend

July 19, 1984.

Take notice that on June 18, 1984, K N Energy, Inc. (K N), P. O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP82-140-002 a petition to amend the order issued March 16, 1983, in Docket Nos. CP83-140-000 and CP83-140-001 pursuant to section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations to permit K N to use the prior notice procedures under §§157.204 and 157.211 of the Commission's Regulations in connection with requests for sales taps to make direct retail sales of gas to customers located on or near its transmission facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

K N requests that the Commission amend K N's blanket certificate to enable K N to make direct retail sales of gas pursuant to the prior notice procedure under §§ 157.205 and 157.212 of the Commission's Regulations. Specifically, K N requests that its blanket certificate be amended to add the following condition:

> In addition to the authority granted by § 157.211 of the Commission's Regulations, K N is authorized to use the prior notice procedure of § 157.205 in connection with requests for authority to install and operate on-system sales taps for new or existing direct retail customers to the extent allowed under K N's tariff provisions concerning limitations on deliveries, and § 157.211(b)(2) is waived as to such requests.

K N states that it receives requests for gas service from persons who reside or operate businesses adjacent to K N's transmission pipelines and that it is in the public interest that K N and its customers have an expeditious procedure to honor such requests when

service is feasible from K N's transmission lines and service cannot otherwise be provided. It is further stated that the costs, delays, and uncertainties inherent in the certificate application procedure under section 7(c) of the Natural Gas Act, if it were to be required on an individual basis for small direct retail sales taps, would discourage potential customers from purchasing gas from K N and would serve as an impediment to providing natural gas service, where possible, in a timely and efficient manner to such small retail customers who request it.

K N states that its retail rates and service in Kansas, Nebraska, Colorado and Wyoming are regulated by three state commissions and by local government entities. It is explained that customers served by gas delivered through the sales taps for which blanket authorization requested herein would be billed at K N's applicable retail rates as are effective from time to time for the class of customers being served in the state in which the particular tap is located.

K N states that it has sufficient gas supplies to accommodate additional requests for service as detailed in K N's most recently filed Forms 15 and 16. The volume of newe sales which K N would be permitted to make is limited and governed by Section 13b of the General Terms and Conditions of K N's FERC Gas Tariff and by the Stipulation and Agreement Prescribing a Permanent Plan for Limitations on Deliveries and Terminating Proceedings which was adopted and approved by Commission order issued November 21, 1981, in Docket Nos. RP76-90, TC80-31 and TC81-16-000, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19523 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-525-000]

KN Energy, Inc; Application

July 19, 1984.

Take notice that on June 28, 1984, KN Energy, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP84-525-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas properties and related production facilities by transfer to its wholly-owned subsidiary, Plains Production Company (Plains), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to abandon by transfer, effective October 1, 1984, all of Applicant's producing properties and related production facilities. Applicant further states that most of the production is currently priced under section 104 of the Natural Gas Policy Act of 1978 (NGPA) with the remainder from certain stripper wells subject to NGPA section 108 pricing. It is stated also that Applicant and Plains have entered into contracts for the purchase and sale of natural gas produced from the properties.

Applicant states that the abandonment by transfer would not adversely affect the nature or price of natural gas service to Applicant's customers, but would improve administrative, accounting, regulatory, and operational efficiency.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19524 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-523-000]

Mississippi River Transmission Corp.; Application

July 19, 1984.

Take notice that on June 28, 1984, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP84-523-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the drilling and operations of an additional injection/withdrawal well and the construction and operation of related facilities at Applicant's existing West Unionville storage field located in Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to drill, complete and operate one additional injection/withdrawal well in Applicant's West Unionville storage field and to construct and operate minor appurtenant facilities to connect the proposed new well to the existing storage field gathering system. Applicant states that the installation of the proposed well would increase the overall operating efficiency of the subject storage field by providing increased deliverability.

It is indicated that the estimated cost of the proposal would be approximately $808,374 and that this cost would be financed from funds on hand and/or short-term borrowings. Applicant states that it does not propose any new sales or changes in existing service agreements and that the proposed facilities would not result in any increase in either the capacity of Applicant's system or the total storage capacity of the West Unionville storage field.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19525 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-530-000]

Mountain Fuel Supply Co., Mountain Fuel Resources, Inc.; Application

July 19, 1984.

Take notice that on June 29, 1984, Mountain Fuel Supply Company (Supply), 180 East First South Street, Salt Lake City, Utah 84139, and Mountain Fuel Resources, Inc. (Resources), 79 South State Street, Salt Lake City, Utah 84147, filed a joint application, pursuant to section 7 of the Natural Gas Act for permission and approval to abandon by transfer certain interstate transmission services by Supply and a certificate of public convenience and necessity authorizing permitting the acquisition and service of such by Resources, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants assert that the requested authorization is consistent with that issued by the Commission in Opinion No. 221 on May 29, 1984, in Applicants' corporate reorganization proceedings in Docket No. CP80-274, *et al.* (27 FERC ¶ 61,316), and is essential to ensure continuation of natural gas service through two existing transmission line taps to distribution customers of Supply. It is indicated that Opinion No. 221 authorized abandonment of interstate transmission facilities and services by Supply and acquisition and continuation of same by Resources, including those exempt from Commission jurisdiction under section 1(c) of the Natural Gas Act, pursuant to a stipulation and agreement executed by the active participants and filed with the Commission.

Applicants state that the subject transmission line sales taps, identified as the Clarence Ward Tap located on Transmission Line No. 40, Carbon County, Utah,and the Woods Petroleum Tap located on Transmission Line 29, Converse County, Wyoming, were not included in testimony or exhibits filed in the above-referenced reorganization proceedings as delivery points for natural gas to be sold or transported by Resources for Supply pursuant to Resources' Rate Schedules CD-1 and X-33. To avoid interruption of natural gas service provided to Supply and its customers through the above-described facilities upon implementation of said reorganization, Supply requests authority to abandon by transfer to Resources the services performed through the Woods Petroleum Tap, and Resources requests authorization to continue the services provided to Supply through the Wood Petroleum Tap and the Clarence Ward Tap in accordance with Rate Schedules CD-1 and X-33.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commssion on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb.

Secretary.

[FR Doc. 84-19527 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-502-000]

National Fuel Gas Supply Corp.; Application

July 19, 1984.

Take notice that on June 19, 1984, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-502-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public

convenience and necessity authorizing the transportation on an interruptible basis of up to 3,000 Mcf of natural gas per day for Kane Gas Light and Heating Company (Kane), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,000 Mcf of gas per day for Kane on a best-efforts interruptible basis for a term of five years. It is stated that Kane would purchase the gas from North Penn Gas Company (North Penn) and that North Penn would deliver gas to Applicant by withdrawals of gas stored by North Penn at the Wharton Storage Field in Potter County, Pennsylvania. It is indicated that both Applicant and North Penn use the Wharton Storage Field. Applicant would then transport the gas, it is stated, and deliver it to Kane in McKean County, Pennsylvania.

Applicant states it would charge Kane 26.72 cents per Mcf for the transportation and retain two percent of the volume transported for line loss and compressor fuel. These charges are said to be in accordance with Rate Schedule T-1 of Applicant's FERC Gas Tariff, Original Volume No. 1.

It is stated Applicant has performed this transportation service for Kane since January 22, 1980, pursuant to §§ 284.102 and 157.47 of the Commission's Regulations and that approval of this proposal would permit Kane to continue its purchase from North Penn without having to construct new facilities or upgrade existing deteriorated facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 358.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19528 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-514-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 19, 1984.

Take notice that on June 22, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 67102, filed in Docket No. CP84-514-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for and exchange of natural gas with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was requested by Tennessee to transport and exchange a portion of the volumes of natural gas Tennessee receives from Trailblazer Pipeline Company (Trailblazer) near Beatrice, Nebraska. It is stated that up to the first 25,000 Mcf per day of natural gas tendered by Trailblazer to Applicant for the account of Tennessee would be exchanged on a firm basis and the next 50,000 Mcf per day of natural gas tendered by Trailblazer to Applicant for the account of Tennessee would be transported by Applicant on behalf of Tennessee on a firm basis. Applicant states that it has also agreed to transport and exchange overrun volumes on a best-efforts basis. Applicant proposes to perform such transportation and exchange service for a primary term ending January 31, 1998, and year to year thereafter.

It is stated that, pursuant to the exchange agreement, on any day that Tennessee would make quantities of natural gas available to Applicant at the point of interconnection between the facilities of Applicant and Trailblazer located at Gage County, Nebraska (Beatrice), Applicant, in exchange, would make thermally equivalent volumes of natural gas available to Tennessee or for the account of Tennessee at (1) the existing Tennessee compressor station No. 47 in West Monroe, Ouachita Parish, Louisiana; (2) Tennessee's Muskrat line near Bayou Sale, St. Mary Parish, Louisiana; (3) Tennessee's line in Calcasieu Parish, Louisiana; and (4) Tennessee's line in Newton County, Texas.

It is further stated that, pursuant to the transportation agreement, on any day that Tennessee would make quantities of natural gas available to applicant at the existing point of interconnection between the facilities of Applicant and Trailblazer located in Gage County, Nebraska, Applicant would transport those volumes to the existing point of interconnection between the facilities of Applicant and ANR Pipeline Company (ANR) near Janesville, Wisconsin, and/or the existing interconnects between Midwestern Gas Transmission Company (Midwestern) and Northern located near Isanti, Minnesota, and Chisago, Minnesota.

Applicant states that the benefits derived from the exchange of gas volumes are mutually beneficial and as such, no fee or monetary consideration between Applicant and Tennessee would be necessary.

Applicant proposes to charge Tennessee a monthly demand charge of $356,027.08 for the firm transportation service proposed herein. For volumes transported in excess of the firm transport volume, Applicant proposes to charge Tennessee 23.41 cents per Mcf. Applicant states that it would be entitled to retain, for fuel and unaccounted-for gas, 2.5 percent of all Btu's received by Applicant for transportation from Beatrice.

Applicant states that no additional facilities would be required to effectuate this transportation and exchange service.

Any person desiring to be heard or to make any protest with reference to said application should on or before Autust 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19529 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-515-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 19, 1984.

Take notice that on June 26, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84-515-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 517 horsepower compressor unit located in Morton County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that declining well pressure which was caused by declining well production, has impelled it to seek the most economical means of lowering the suction pressure at the Morton County No. 1 gathering station while achieving the desired contractual volume requirements for the 1983-84 heating season and thereafter. Applicant further states that it has performed certain modifications at the Morton County No. 1 gathering station to achieve the desired suction pressure at that station pursuant to § 2.55 of the Commission's General Policy and Interpretations, but that it requires Commission authority to abandon and remove Unit #2 which consists of a 517 horsepower compressor which Applicant states is no longer required and in fact is lying idle.

Applicant asserts that this proposed abandonment and removal of the 517 compressor unit would serve the public interest since said compressor is no longer needed and serves no useful purpose.

Applicant asserts that this proposed abandonment and removal of the 517 compressor unit would serve the public interest since said compressor is no longer needed and serves no useful purpose.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19530 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-527-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

July 19, 1984.

Take notice that on June 29, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-527-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to install a sales tap for the delivery of natural gas to Humble Sand, Inc. (Humble) under the authorization issued in Docket No. CP82-479-000, as amended in Docket No. CP82-479-001, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central proposes the installation of a sales tap on its 4-inch transmission line in Ottawa County, Oklahoma. This tap would be utilized to deliver an estimated 10,000 Mcf of gas annually to Humble, it is stated. It is further stated that gas to be delivered through this facility would be used by Humble for drying sand for use in sandblasting operations.

Northwest Central asserts that the gas flowing through this tap would be sold on an interruptible basis and would not significantly affect its overall gas supply. It is asserted further that the sale would have no detrimental effect on existing customers.

Northwest Central estimates the cost of the tap to be $4,620 and states that all costs would be financed from available cash.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commisssion, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for

filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19531 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-541-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

July 19, 1984.

Take notice that on July 3, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-541-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to transport natural gas for Municipal Utilities of Carrollton (Carrollton) under the authorization issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central proposes to transport an average volume of 1,800 Mcf of natural gas per day on an interruptible basis for Carrollton for low-priority use in Carrollton's electric generating plant in Carroll County, Missouri. Northwest Central estimates the peak day volume to be 2,200 Mcf and total deliveries to be 270,000 Mcf by the termination date of October 23, 1984. Northwest Central states that Carrollton has entered into a gas purchase contract to purchase gas from Baruch-Foster Corporation and Kepco, Inc., to be produced from wells in Payne and Comanche Counties of Oklahoma. It is further stated that Northwest Central would receive the gas at existing delivery points in Payne and Comanche Counties, Okahoma, and redeliver the gas to The Gas Service Company (Gas Service) for the account of Carrollton at an existing point of interconnection in Carroll County, Missouri. Gas Service would deliver the gas for use in Carrollton's generating plant.

Northwest Central proposes to charge Carrollton in accordance with the then effective rates and provisions, including added incentive charge, set forth from time to time in Northwest Central's FERC Gas Tariff, Original Volume No. 2.

Any person or the Commission staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kennth F. Plumb,

Secretary.

FR Doc. 84-19533 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-553-000]

Northwest Central Pipeline Corp; Request under Blanket Authorization

July 19, 1984.

Take notice that on July 6, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-553-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to abandon by reclaim approximately 1.2 miles of 2-inch pipeline, measuring and appurtenant facilities in Section 20, Township 17 South, Range 19 East, Franklin County, Kansas, and the transportation of gas for direct sale through said facilities under the authorization issued in Docket No. CP82-279-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in request on file with the Commission and open to public inspection.

Northwest Central states that the facilities were installed under budget-type authority to make a direct sale to Phillips Pipe Line Company (Phillips), that such sale is no longer required by Phillips and Northwest Central now desires to reclaim these facilities. The estimated cost to reclaim these facilities is $1,910, with an estimated salvage value of $1,780.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19534 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-535-000]

Northwest Pipeline Corp.; Application

July 19, 1984.

Take notice that on July 2, 1984, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP84-535-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Mountain Fuel Supply Company (MFS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that by order dated March 13, 1979, as amended, February 2, 1981, the Commission issued certificates of public convenience and necessity to Northwest in Docket No. CP78-434 and to MFS in docket No. CP78-538 authorizing the transportation, sale, and exchange of natural gas pursuant to the terms of a gas purchase, transportation, and exchange agreement (Agreement) dated June 22, 1978, as amended.

It is explained that Northwest was authorized to deliver up to 1,00o Mcf of gas per day to MFS from the Yellow Creek area located in Uinta County, Wyoming, and to sell to MFS up to 25 percent of such gas tendered and that MFS was authorized to transport and exchange the gas received from Northwest by delivering thermally equivalent volumes of gas, less any gas purchased by MFS, to Northwest at an existing point of interconnection located in Sweetwater County, Wyoming.

It is stated that under the terms of the Agreement, MFS has the option to modify its purchase option by notifying Northwest prior to any change. Northwest submits that MFS requested that as of November 1, 1983, MFS would discontinue its purchase of the gas covered by the Agreement and that MFS stated that its does not intend to reinstate the purchase option. Northwest states that it and MFS then entered into a Letter Agreement dated October 20,

1983, which terminated the purchase option effective as of November 1, 1983. Accordingly, Northwest requests permission and approval to abandon the sale of natural gas to MFS.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion before the Commission is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northwest to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19532 Filed 7-23-84 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-318-001]

Ohio Interstate Pipeline Co.; Amendment to Application

July 19, 1984.

Take notice that on June 29, 1984, Ohio Interstate Pipeline Company, 500 Renaissance Center, Detroit, Michigan 48243 (Applicant), filed in Docket No. CP84-318-001 an amendment to its pending application in Docket No. CP84-318-000 for a certificate of public convenience and necessity, to reflect certain exhibits related to alternative pipeline routings, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on March 26, 1984, it filed an application in Docket No. CP84-318-000 for authorization to construct and operate a natural gas pipeline and related facilities across northern Ohio and western Pennsylvania and to transport natural gas for Algonquin Gas Transmission Corporation (Algonquin), Boundary Gas, Inc. (Boundary), Texas Eastern Transmission Corporation (TETCO), Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), and Transcontinental Gas Pipe Line Corporation (Transco) through such facilities. Ohio Interstate further states that on June 19, 1984 it filed with the Commission its supplemental Environmental Report (Exhibit F-IV—Statement Concerning the Requirements of the National Environmental Policy Act of 1969), which report discusses alternative routings over part of the pipeline length, which constitute deviations to the pipeline route described in its March 26, 1984, certificate application. The purpose of this Amendment, Applicant asserts, is to submit the engineering, cost and rate exhibits related to such alternative routings.

Applicant assets that the alternative routings it has analyzed are feasible from an engineering standpoint, can be constructed at the same relative level of costs and in an acceptable environmental fashion, as is shown by its Environmental Report filed with the Commission on June 19, 1984 and by this amendment to its application. Applicant further states that it would be willing to build its pipeline and related facilities along the route selected by the Commission from the four cases identified in its amendment; however, Applicant states that it prefers what has been characterized as the "Southern Delivery Route with Preferred Quehanna Alternative", whaich is reflected in Case III of such amendment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19535 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-547-000]

Pelican Interstate Gas Corp.; Application

July 19, 1984

Take notice that on July 5, 1984, Pelican Interstate Gas Corp. (Applicant), 1200 Milam, Suite 2700, Houston, Texas 77002, filed in Docket No. CP84-547-000 an application pursuant to section 7(c) of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules and Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdicition conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19536 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-483-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

July 19, 1984.

Take notice that on June 14, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-483-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Southern from a point of receipt at an interconnection between the facilities of Applicant and Southern in East Cameron Block 97, offshore Louisiana, for delivery to Southern at an interconnection between the facilities of Applicant and Southern at Rose Hill, Clarke County, Mississippi, or at Pugh, Lowndes County, Mississippi. Applicant states that the volumes of gas to be transported would be up to 5,000 Mcf per day and would be on a best-efforts basis. It is asserted that such service is pursuant to a gas transportation agreement dated November 1, 1980.

The proposed service, it is said, would provide Southern with a means of transporting an additional supply of natural gas without its having to construct duplicative facilities.

Applicant states that Southern would pay a volume charge equal to the product of 29.31 cents multiplied by the total volume in Mcf of gas received during the month for delivery to the Pugh Point and 25.59 cents multiplied by the total volume in Mcf of gas received during the month for delivery to the Rose Hill Point. It is further stated that the agreement contains a provision for a minimum monthly bill. The minimum monthly bill, it is said, would consist of the volume charge of 25.59 cents multiplied by the number of days in said month multiplied by 66⅔ percent of the transportation quantity less the volume, if any tendered by Southern and not taken by Applicant.

Applicant states further that Southern would not pay a transportation charge for the transportation of liquids.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19537 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-506-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

July 19, 1984.

Take notice that on June 21, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-506-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Texas Gas from a point of receipt at an interconnection between the facilities of Applicant and Texas Gas in Vermilion Block 241, offshore Louisiana, for delivery to Texas Gas at an interconnection between the facilities of Applicant and Columbia Gulf Transmission Company (Columbia Gulf) in Vermilion Block 245, offshore Louisiana. Columbia Gulf, it is said, transports the gas for Texas Gas through the Blue Water System. Applicant states that the volumes of gas to be transported would be up to 10,000 Mcf per day and would be on a best-efforts basis. It is asserted that such service is pursuant to a gas transportation agreement dated October 25, 1983.

The proposed service, it is said, would provide Texas Gas with a means of transporting an additional supply of natural gas without its having to construct duplicative facilities.

Applicant states that Texas Gas would pay a volume charge equal to the product of 4.01 cents multiplied by the total volume in Mcf of gas received during the month for delivery to Columbia Gulf for the account of Texas Gas. It is further stated that the agreement contains a provision for a minimum monthly bill. The minimum monthly bill, it is said, would consist of the volume charge of 4.01 cents multiplied by the minimum bill volume, which would consist of the number of days in said month multiplied by 66⅔ percent of the transportation quantity; provided, however, the minimum bill volume would be reduced by the volumes, if any, tendered by Texas Gas and not taken by Applicant and would be reduced by the volumes retained for Applicant's system fuel and uses and lost and unaccounted-for volumes. It is further said that Texas Gas would provide to Applicantat no cost to

Applicant a daily volume of gas for Applicant's system fuel and uses and lost and unaccounted for volumes equal to 1.2 percent of the volume received by Applicant from Texas Gas on any day.

Applicant states further that Texas Gas would pay a liquids transportation charge of 21.66 cents per barrel for the transportation of liquids.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19538 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-542-000]

Transcontinental Gas Pipe Line Corp.; Request Under Blanket Authorization

July 19, 1984.

Take notice that on July 3, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP84-542-000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Transco proposes to transport natural gas on behalf of PNG Energy Company (PNG) which is acting as agent for Celanese Fibers Operations (Celanese) and Hoechst Fibers Industries, a subsidiary of Celanese, (referred to collectively as the End Users), under the authorization issued in Docket No. CP82-426-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport up to 13,150 dt equivalent of gas per day for PNG for a term expiring June 30, 1985. The request indicates that the natural gas to be transported would be purchased from Tejas Gas Corp., by PNG. It is stated that PNG has entered into an agreement with the End Users whereby PNG is authorized to arrange for the purchase, transportation and delivery of natural gas to the End Users' Plants. Transco indicates that it would receive the gas at the Sun TCB Plant in Canales Field, Jim Wells County, Texas, and the Sun Starr Plant in Starr County, Texas and would transport and deliver the gas to Piedmont Natural Gas Company, Inc. (Piedmont) at existing points in North Carolina and South Carolina. It is further stated that Piedmont would transport and deliver the gas to the End Users plants in Charlotte and Salisbury, North Carolina, and Greenville and Spartanburg, South Carolina. Transco also requests blanket authorization for the addition and deletion of delivery points as necessary.

Transco proposes to charge PNG transportation rates pursuant to Transco's Rate Schedule T-II. Furthermore, Transco states that PNG is a 50-50 participant is a Joint Venture with Enmar, Inc. (Enmar) and that Enmar assisted in arranging the purchase and transportation of gas. It is indicated that Enmar proposes to charge a fee of 5.0 cents per dt.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19548 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-516-000]

United Gas Pipe Line Co.; Application

July 19, 1984.

Take notice that on June 26, 1984, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-516-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase from Delhi Gas Pipeline Corporation (Delhi) and operation of the Brookens field gas gathering facilities (Brookens field facilities) located in Haskell County, Oklahoma, which include the Eufaula compressor station, the Bigger compressor station and 10.5 miles of line pipe, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed acquisition would enable it to fulfill its obligation to Delhi under the January 13, 1982, letter agreement between Applicant and Delhi and provide Applicant with the ability to move gas into its system from the Brookens field area. Application would pay Delhi a cost estimated to be $6,353,000 for the Brookens field facilities, which cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authrity contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19549 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 814-005, et al.]

Hydroelectric Applications (Utah Power & Light Co., et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Partial Surrender of License.

b. Project No: 814-005.

c. Date Filed: March 26, 1984.

d. Applicant: Utah Power & Light Company.

e. Name of Project: Lower Beaver Project.

f. Location: Beaver River in Beaver County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Gary D. Bachman, Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street, NW., Seventh Floor, Washington, D.C. 20007.

i. Comment Date: August 20, 1984.

j. Description of Project: The Beaver Project consists of two developments, the Upper Unit, for which the Licensee has applied for an exemption from licensing (Project No. 814-004), and the Lower Unit, the subject of this surrender. The Beaver Project was constructed in 1907 and was licensed in 1930. The Lower Beaver Unit has been out of service since 1973. The original diversion structure had significantly deteriorated by the early 1970's and the Licensee removed the diversion structure and intake works because of the danger of a dam failure. Since 1973 when the Lower Unit was taken out of service, a valuable trout fishery has been developed in the 2.25 mile stretch of the Beaver River between the Upper and Lower Developments.

The Licensee originally intended to reactivate the Lower Beaver Unit. However, pursuant to the strong urging of State and Federal agencies, the Licensee reconsidered its proposal and now contemplates operation of only a rehabilitated Upper Beaver Unit and final retirement and removal of the Lower Beaver Unit. This determination was made for both economic and environmental reasons.

The Licensee has negotiated an agreement with the U.S. Forest Service regarding the complete removal of the Lower Unit project works and the restoration of the project property. This surrender will become effective as of the date of issuance of an exemption from licensing for the Upper Development.

k. Purpose of Project: This application for surrender was filed after the Licensee determined that reactivation of the Lower Beaver Unit was neither economically nor environmentally justified.

l. This notice also consists of the following standard paragraphs: B and C.

2a. Type of Applicant: Surrender of License.

b. Project No: 1287-000.

c. Date Filed: April 25, 1983.

d. Applicant: Southern California Edison Company (SCEC).

e. Name of Project: Arrow-Bear and Green Valley Electric Distribution Line.

f. Location: San Bernardino National Forest.

g. Filed Pursuant to: Federal Power Act, Part I, Section 6.

h. Contact Person: Mr. Robert E. Umbaugh, SCEC, P.O. Box 410, Long Beach, California 90801.

i. Comment Date: August 14, 1984.

j. Description of Project: The project consists of an existing 2.3-kV, 3-phase distribution line located on a 50-foot-wide, 1.148-mile-long, right-of-way across lands of the San Bernardino National Forest. The project was licensed by the Commission on July 30, 1937, for a period of 50 years, only because it crossed United States lands, a practice which changed in 1941 (18 CFR 2.2). The project is now covered by a 10-year Special Use Permit issued by the U.S. Forest Service on March 14, 1973, and subject to renewal for an additional 10-year period upon expiration. The line has always been a distribution facility receiving power from a SCEC interconnected transmission system and never was associated with transmitting energy from a hydroelectric project. Therefore, pursuant to Section 3(11) of the Federal Power Act, the line is no longer subject to licensing.

The project is located in the SE¼ NE¼ of sec. 4 and in the W½NW¼ of sec. 3, T. 1 N., R. 2W., and in the NE¼ and NE¼SE¼ of sec. 27, T. 2 N., R. 2 W., San Bernardino base and meridian.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

3a. Type of Application: Exemption for Small Conduit Hydroelectric Facility.

b. Project No: 3496-001.

c. Date Filed: March 26, 1984.

d. Applicant: City and County of Denver.

e. Name of Project: North Fork Power Project.

f. Location: On the North Fork of the South Platte River in Park County, Colorado.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. William H. Miller, Manager, Denver Water Department, 1600 West 12th Avenue, Denver, Colorado 80254.

i. Comment Date: August 20, 1984.

j. Description of Project: The proposed project would utilize the existing City of Denver's water supply system and would include: (1) a proposed steel penstock, which varies between 90 inches and 36 inches in diameter. The penstock would be connected to an existing wye connection at the outlet works and would be used to divert the water to the proposed powerhouse. The total penstock length would be approximately 120 feet long; (2) a proposed cast-in-place concrete powerhouse containing 1 generating unit rated at 5.5 MW; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 23,000 MWh. The flows would be diverted through the powerhouse, and would be discharged back into the existing stilling basin. The system would be operated automatically by communication and control equipment.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. Purpose of Project: Power produced at the project would be sold to Public Service Company of Colorado or

Intermountain Rural Electrification Administration.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

4a. Type of Application: Major License (Under 5 MW).

b. Project No: 7567–000.

c. Date Filed: September 1, 1983.

d. Applicant: City of Rome, New York.

e. Name of Project: Boyd Dam.

f. Location: On East Branch of Fish Creek, Town of Lewis, Lewis County, New York.

1g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mayor Carl J. Eilenberg, City Hall, Rome, New York 13440.

i. Comment Date: August 24, 1984.

j. Competing Application: Project No. 6515–001 Date Filed: September 10, 1982.

k. Description of Project: The proposed project would utilize existing facilities owned, operated, and maintained by the Applicant consisting of: (1) the 515-foot-long, 85-foot-high Boyd Dam having a 440-foot-long concrete-gravity section with a 150-foot-long spillway and a 75-foot-long earthfill section; (2) the separate 7-foot-high, 300-foot-long earth embankment located along the reservoir left (east) bank; (3) the Tagasoke Reservoir having a surface area of 210 acres and a storage capacity of 4,345-acre-feet at spillway crest elevation 1280 feet NGVD; (4) a gated intake structure and two 36-inch discharge conduits; and (5) a 1,100-foot-long access road.

Applicant proposed to: (1) modify the intake structure; (2) construct a 7-foot-diameter, 175-foot-long steel penstock; (3) construct a powerhouse containing a generating unit having a rated capacity of 2,200 kW operated at a 65-foot-head and a flow of 450-cfs; (4) construct a 120-foot-long tailrace; (5) construct a 1,600-foot-long access road; (6) construct a switchyard; and (7) construct a 5-mile-long 13.2-kV or a 12-mile-long 34.5-kV transmission line.

Applicant estimates that the proposed project would cost $4 million.

l. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average energy output would be 7.2 million kWh.

m. This notice also consists of the following standard paragraphs: A4, B, C, D1.

5a. Type of Application: Exemption.

b. Project No: 7918–001.

c. Date Filed: April 12, 1984.

d. Applicant: Jerry E. Ferguson.

e. Name of Project: Walker Mill.

f. Location: West Prong, Little Pigeon River, Sevier County, Tennessee.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jerry E. Ferguson, Tennessee Hydro, P.O. Box 1244, Maryville, Tennessee 37802.

i. Comment Date: August 24, 1984.

j. Description of Project: The Walker Mill project would consist of: (1) an existing concrete gravity dam, approximately 10 feet high and 400 feet long; (2) an existing masonary powerhouse, located adjacent to the right dam abutment, in which it is proposed to install a new 100 kilowatt generating unit; (3) an existing discharge canal which would be renovated by placing rock materials on the sides and by dredging the canal bottom; (4) a 150-foot-long 13.2 kV transmission line; and (5) appurtenant facilities. The estimated average annual generation for the project is 500,000 kWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take over or develop the project.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

6a. Type of Application: Preliminary Permit.

b. Project No. 8177–000

c. Date filed: March 16, 1984.

d. Applicant: Town of Bellmont, N.Y.

e. Name of Project: Forge Dam.

f. Location: On the Chateaugay River in Clinton and Franklin Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William H. Kissel, 61 Main Street, Lake Placid, New York 12946.

i. Comment Date: August 20, 1984.

j. Competing Application: Project No. 7744–000, Date Filed: October 19, 1983.

k. Description of Project: The proposed project would utilize the existing facilities owned by the Town of Belmont, New York, consisting of: (1) a 155-foot-long and 20-foot-high, concrete reinforced masonry, buttress-type dam with a 90-foot-long wingwall at the right (east) side and a 77.5-foot-long wingwall at the left (west) side; (2) two screened and steelgated intake structures at the dam's right side; (3) a reservior (Chateaugay Lake) having a surface area of 3,300 acres and a storage capacity of 82,500 acre-feet at normal maximum pool elevation 1,310 feet m.s.l.; (4) an 8-foot-diameter, 6-foot-long, steel penstock; and (5) appurtenant facilities.

Applicant proposes to construct: (1) a powerhouse containing generating units having a total rated capacity of 250 kW; (2) an approximately one-half-mile-long, 4.16 kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,300,000 kWh. Applicant would sell the project energy to New York State Electric & Gas Corporation.

l. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $20,000.

7a. Type of Application: Transmission Line License.

b. Project No.: 8255–000.

c. Date Filed: April 20, 1984.

d. Applicant: Northwest Power, Inc.

e. Name of Project: Haypress-Bowman Transmission Line.

f. Location: In Nevada and Sierra Counties, California, affecting U.S. lands within Tahoe National Forrest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. J. W. McDonald, President, Northwest Power, Inc., 4 Embercadero Center, Suite 1980, San Francisco, California 94111.

i. Comment Date: August 20, 1984.

j. Description of Project: The project would consist of a 10.5-mile-long, 60-kV transmission line to connect Southern Pacific Land Company's (SPLC) Lower Haypress Creek and Haypress Creek Projects (FERC Nos. 6028 and 6061) to Nevada Irrigation District's (NID) proposed Bowman Transmission Line (FERC No. 2266–006).

k. Purpose of Project: The proposed line would transmit power from the proposed lower Haypress Creek and Haypress Creek Projects (FERC Nos. 6028 and 6061) to NID's proposed Bowman Transmission Line (FERC No. 2266–0060. The power from Bowman Transmission Line would be transmitted to Pacific Gas and Electric Company's (PG&E) Spauling No. 3 Powerhouse (FERC No. 2130). The cost of the project is estimated by the Applicant to be about $1,255,000.

l. This notice also consists of the following standard paragraphs: B, C, and D1.

8a. Type of Application: Conduit Exemption.

b. Project No: 8260–000.

c. Date Filed: April 23, 1984.

d. Applicant: City of Gloversville, New York.

e. Name of Project: Jackson Summit.

f. Location: Water is utilized at Rice Reservoir in Fulton County, New York.

g. Filed Pursuant to: Federal Power Act, Section 30, 16 U.S.C. 823(a).

h. Contact Person: Marshall B. Gottung, President, Board of Water Commissioners, City of Gloversville, City Hall, Frontage Road, Gloversville, New York 12078.

i. Comment Date: August 24, 1984.

j. Discription of Project: The proposed project would consist of: (1) the installation of a proposed 25–kW turbine-generator unit to be placed in parallel with the existing 18-inch pipe which discharges into an aerator at the Rice Reservoir end of the Jackson Summit water transmission main; and (2) appurtenant facilities. The Applicant estimates the average annual energy generation to be 219 MWh.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. Purpose of Project: The applicant proposes to sell the power output to the Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C & D3b.

9a. Type of Application: Preliminary Permit.

b. Project No: 8308–000.

c. Date Filed: May 14, 1984.

d. Applicant: Town of Rotterdam, New York.

e. Name of Project: Erie Barge Canal Lock E–8.

f. Location: Erie Barge Canal and Mohawk River in Schenectady County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Christy Weise, J. Kenneth Fraser and Associates, P.C., 22 High Street, Rensselaer, NY 12144.

i. Comment Date: August 20, 1984.

j. Competing Application: Project No. 8003–000. Date Filed: January 26, 1984. Due Date: July 2, 1984.

k. Description of Project: The Applicant proposes two alternative developments, depending on the length of time that the project is proposed to be operational. Both schemes would utilize an existing 15-foot-high, 485-foot-long movable dam and existing navigation lock which are owned and operated by the New York State Department of Transportation. The existing 390-acre reservoir contains 3,100 acre-feet of storage capacity at a normal pool elevation of 238.8 feet m.s.l.

The Alternative A development would operate eight months of the year and would consist of: (1) a proposed intake structure; (2) a proposed reinforced concrete powerhouse containing two turbine/generator units, each with a capacity of 2,900 kW, operating under a head of 13.5 feet; and (3) appurtenant facilities. The estimated average annual generation would be 22,000 MWh.

The Alternative B development would operate twelve months of the year and would consist of: (1) a proposed intake structure; (2) a proposed reinforced concrete powerhouse containing two turbine/generator units, each with a capacity of 4,150 kW, operating under a head of 13.5 feet; and (3) appurtenant facilities. The estimated average annual generation would be 47,000 MWh.

l. Purpose of Project: Project power would either be sold to Niagara Mohawk Power Corporation or used by the Town.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $65,000.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for

filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385 .210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endagered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and aother applicable statues. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 19, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19551 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-379-000]

CTI; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 19, 1984.

On June 29, 1984, CTI (Applicant), of P.O. Box 397, Rillito, Arizona, 85246, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the eastern Mohave Desert in Southern California. The primary energy source for the facility will be "waste" in the form of coal fines produced as a by-product of the dewatering of slurried coal by a centrifuge process at the Southern California Edison Company's Mohave Generating Station located in Clark County, Nevada. The facility will consist of a fluidized bed boiler, steam turbine generator, and related auxillary equipment. The net electric power production capacity of the facility will be 13.1 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19517; Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-250-000]

Mitchell Energy Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 19, 1984.

On April 4, 1984, Mitchell Energy Corporation (Applicant), of P.O. Box 4000, The Woodlands, Texas 77380 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On May 21, 1984, supplemental information was filed regarding the facility. On June 21, 1984, the Applicant filed an amendment to the application requesting certification of the facility as a qualifying small power production facility instead of as a cogeneration facility.

The small power production facility is located at the Applicant's Bridgeport CO_2 extraction plant near Bridgeport, Texas. The CO_2 extraction plant extracts pure CO_2 gas from exhaust gases produced by four-cycle engines, two cycle engines, gas turbines, and fired heaters which are located in the Bridgeport crude oil refining plant, Bridgeport natural gas processing plant, and Bridgeport CO_2 extraction plant. The exhaust gases enter a methane fired furnace which feeds a heat recovery boiler. The heat recovery boiler raises steam, which drives a steam turbine generator and provides thermal energy for use in the CO_2 extraction process. The primary energy source for the facility is "waste" in the form of heat which is an invariable by-product of the CO_2 extraction process. The electric ower production capacity of the facility is 300 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19526 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-391-000]

Ware Cogen Limited Partnership; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 19, 1984.

On July 3, 1984, Ware Cogen Limited Partnership (Applicant), of East Main Street, Ware, Massachusetts 01082, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Ware Millyard, Ware, Massachusetts. The facility will consist of two refurbished boilers and a new steam turbine generator. The primary energy source for the facility will be coal. The useful thermal output, which will be in the form of process steam, will be used to meet space heating and process steam requirements of Ware Millyard industries. The electric power production capacity of the facility will be 7,500 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-19550 Filed 7-23-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-81-1; ORD-FRL-2636-7]

Draft Air Quality Criteria Document for Ozone and Other Photochemical Oxidants

AGENCY: Environmental Protection Agency.

ACTION: Notice of availabilty of first external review draft.

SUMMARY: The existing Air Quality Criteria Document for Ozone and Other Photochemical Oxidants (EPA-600/8-78-004) is being updated and revised pursuant to sections 108 and 109 of the Clean Air Act, as amended, 42 U.S.C. 7408 and 7409, and will be used as a basis for the review and, as appropriate, revision of the National Ambient Air Quality Standards (NAAQS) for ozone. As part of this process, EPA is making available for public comment the first external review draft of the revised criteria document for ozone and other photochemical oxidants.

ADDRESSES: The first external review draft is being issued in five volumes. (See "Supplementary Information" for details on the contents of each volume.) To obtain a single copy of all or individual volumes, interested parties should contact the ORD Publications Center, CERI-FRN, U.S. Environmental Protection Agency, 26 W. St. Clair St. Cincinnati, OH 45268, (513) 684-7562, and request the first external review draft of the revised Air Quality Criteria Document for Ozone and Other Photochemical Oxidants. Please provide a name, mailing address, and the EPA, document number, EPA-600/8-84-020A.

Comments on the draft should be sent in writing to: Project Manager, Air Quality Criteria Document for Ozone/Oxidants, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. The draft document will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

DATES: The Agency will make this document available for public comment on or about August 6, 1984. Comments must be received by close of business on November 9, 1984, or postmarked by that date.

SUPPLEMENTARY INFORMATION: As noted above, the first external review draft will be released for public comment in five volumes. Volume I will contain the Executive Summary and Conclusions (Chapter 1) for the entire document. Volume II will contain Chapters 2 through 6, which will include the introduction for the entire document and chapters that discuss background information on: physical and chemical properties of ozone and other oxidants and their precursors; sources of emission of the precursors; transport, generic reactions of ozone and oxidants once formed; physical and chemical processes in the formation of ozone and related oxidants; and ambient concentrations. Volume III contains Chapters 7 through 9, dealing with the effects of ozone on vegetation, ecosystems and on nonbiological materials. Volume IV contains Chapter 10, which covers toxicological effect of ozone and other oxidants. Volume V contains Chapters 11-13, which contain information on the effects of ozone and other photochemical oxidants in controlled human exposure studies and in populations (epidemiological studies), as well as an evaluation of the integrated health data base.

After receipt of public comments on the draft, the Clean Air Scientific Advisory Committee (CASAC) of the Agency's Science Advisory Board (SAB) will hold a public meeting to review other draft document. Advance notice of the time and place of the meeting will be made in a subsequent **Federal Register** announcement.

All public comments received, as well as the Agency's response to these comments, will be included in the docket established for the review of the ozone/oxidants document (Docket No. ECAO-CD-81-1). The docket is available for inspection and copying between the hours of 8:00 a.m. and 4:00 p.m. at EPA headquarters in the Central Docket Section (A-130), Gallery 1, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Ray, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD-52, Research Triangle Park, N.C. 27711 (919) 541-3637.

Dated: July 6, 1984.

D.J. Ehreth,

Acting Assistant Administrator for Research and Development.

[FR Doc. 84-19484 Filed 7-23-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service—Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after August 13, 1984.

For Further Information Contact: Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board (202) 377-6050.

J.J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 84-19486 Filed 7-23-84; 8:45 am]

BILLING CODE 6720-01-M

Senior Executive Service—Performance Review Board Updated Membership

In accordance with Title IV of the Civil Service Reform Act of 1978, the Federal Home Loan Bank Board hereby gives notice that Richard C. Pickering is a member of the SES Performance Review Board effective immediately.

For Further Information Contact: Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board (202) 377-6050.

J.J. Finn,

Secretary to the Board Federal Home Loan Bank Board.

[FR Doc. 84-19485 Filed 7-23-84; 8:45 am]

BILLING CODE 6720-01-M

[No: 84-380]

Savings and Loan Holding Company Applications

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a revised information collection request, "Saving and Loan Holding Company Applications", to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12 pertaining to clearance of information collection requests.

Comments on the information collection request are welcome and should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters also sending copies of their comments to the Board.

Requests for information including copies of the proposed information collection request and supporting documentation are obtainable from the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, Phone: 202–377–6933.

FOR FURTHER INFORMATION CONTACT: Charles Brewer, Office of Examinations and Supervision, Federal Home Loan Bank Board, phone 202–377–6849.

Dated: July 19, 1984.

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 84–19541 Filed 7–23–84; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

July 19, 1984.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before August 3, 1984.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Judith McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

Request for Extension With Revisions

1. Report title: Notice of Proposed Stock Redemption.

Agency form number: FR 4008.

OMB Docket Number: 71–0131.

Frequency: On Occasion.

Reporters: Bank holding companies (BHC).

Small businesses are not affected.

General description of report: Respondent's obligation to reply is mandatory (12 CFR 225.4); a pledge of confidentiality is not promised.

The filing of the notice is required of a BHC proposing to purchase or redeem its shares when the gross consideration to be paid for the purchase or redemption is equal to 10 percent or more of the company's consolidated net worth over any 12 month period of time.

2. Report title: Mortgage Loan Disclosure Statement.

Agency form number: HMDA–1.

OMB Docket number 7100–0090.

Frequency: Annual.

Reporters: Depository institutions.

Small Businesses are not affected.

General description of report: Respondent's obligation to reply is mandatory [12 U.S.C. 2801–2811]; a pledge of confidentiality is not promised.

State member banks subject to the Act annually disclose by census tract or county originated and purchased residential mortgage loans. Disclosures publicly available at the bank for 5 years and at the MSA central data repository. Public officials, examiners, and the public use the disclosure to determine lending patterns in home financing and to detect discrimination among other things.

Board of Governors of the Federal Reserve System, July 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–19444 Filed 7–23–84; 8:45 am]

BILLING CODE 6210–01–M

Southern National Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or banking holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is avaialble for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comments on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 15, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Southern National Banks, Inc.*, Fort Walton Beach, Florida; to become a bank holding company by acquiring 87.74 percent of the voting shares of First National Bank of Okaloosa County, Fort Walton Beach, Florida.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Associated Banc-Corp*, Green Bay, Wisconsin; to acquire 100 percent of the

voting shares of Dairyland Bancshares, Inc., Marshfield, Wisconsin thereby indirectly acquiring Citizens National Bank & Trust Company of Marshfield, Marshfield, Wisconsin. Comments on this application must be received no later than August 2, 1984.

2. *Dysart Bancshares, Inc.*, Dysart, Iowa; to become a bank holding company by acquiring 81 percent or more of the voting shares of Dysart State Bank, Dysart, Iowa.

3. *Valley Bancorporation*, Appleton, Wisconsin; to acquuire 100 percent of the voting shares of The First National Bank of Rhinelander, Wisconsin. Rhinelander, Comments on this application must be received not later than August 10, 1984.

4. *Whitney Financial Corporation*, Marion, Indiana; to acquire 15.79 percent of the voting shares of Bank of Henry County, New Castle, Indiana. Coments on this application must be received not later than August 13, 1984.

5. *Winchester Bancorporation*, Winchester, Indiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of Peoples Loan & Trust Company, Winchester, Indiana.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Southeast Bancorp of Texas, Inc.*, Winnie, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Allied Gulf Coast Bank, Winnie, Texas.

Board of Governors of the Federal Reserve System, July 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19445 Filed 7-23-84; 8:45 am]

BILLING CODE 6210-01-M

First Maryland Bancorp and Allied Irish Banks Limited; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in activities specified below. Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than August 10, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland, and *Allied Irish Banks Limited*, Dublin, Ireland to engage *de novo* through its subsidiary First Omni Bank (Pennsylvania) in acceptance of time and savings deposits (including NOW accounts); safe-deposit business; making and servicing loans; trust company functions; leasing personal or real property; data processing, insurance sales, management consulting to depository institutions; issuance of money orders, savings bonds, and travelers checks; real estate appraising; securities brokerage; underwriting and dealing in government obligations and money market instruments. These activities are to be conducted nationwide from its offices in Allentown, Pennsylvania.

Board of Governors of the Federal Reserve System, July 18, 1984.

James McAfee,

Associate Secretary of the Board.

FR Doc. 84-19439 Filed 7-23-84; 8:45 am]

BILLING CODE 6210-01-M

First Maryland Bancorp and Allied Irish Banks Limited; Application To Engage De Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in activities specified below. Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than August 10, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland,and *Allied Irish Banks Limited*, Dublin, Ireland; to engage *de novo* trough its subsidiary First Omni Bank (Florida) , N.A., Boca Raton, Florida in acceptance of time and savings deposits (including NOW accounts); safe-deposit business; making and servicing loans; trust company

functions; leasing personal or real property; data processing, insurance sales, management consulting to depository institutions; issuance of money orders, savings bonds, and travelers checks; real estate appraising; securities brokerage; underwriting and dealing in government obligations and money market instruments. These activities are to be conducted nationwide from its offices in Boca Raton, Florida.

Board of Governors of the Federal Reserve System, July 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19440 Filed 7-23-84; 8:45 am]

BILLING CODE 6210-01-M

United Bankshares, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless the otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 7, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *United Bankshares, Inc.*, Parkersburg, West Virginia; to engage *de novo* through its subsidiary, United Mortgage Company, Inc., Charleston, South Carolina in making and servicing mortgage loans.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern Trust Corporation*, Winnetka, Illinois; to engage *de novo* through its subsidiary, The Northern Trust Company of Illinois, Winnetka, Illinois, in trust company functions. Comments on this application must be received not later than August 13, 1984.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Capital Bancshares, Inc.*, Houston, Texas; to engage *de novo* through its subsidiary, Texas Capital Mortgage Company, Houston, Texas, in making residential and commercial loans for its own use and for the use of others pursuant to § 225.25(b)(1) of Regulation Y. Comments on this application must be received not later than August 13, 1984.

Board of Governors of the Federal Reserve System, July 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-19441 Filed 7-23-84; 8:45 am]

BILLING CODE 6210-01-M

First National Cincinnati Corp. et al.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 9, 1984.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National Cincinnati Corporation*, Cincinnati, Ohio; *National City Corporation*, Cleveland, Ohio; *BancOhio, Corporation*, Columbus, Ohio; and *Society Corporation*, Cleveland, Ohio; each to acquire an interest in Money Station Inc., Cincinnati, Ohio, a company that provides data processing, data transmission services, data bases, and facilities, and engages in the purchase, sale and leasing of hardware in conjunction with software designed for processing and transmission of financial, banking, or economic data. Less than 30 percent of the cost of the package offered will be attributable to hardware. Company proposes to limit the data to be processed to financial, banking, or economic data among financial institutions.

Board of Governors of the Federal Reserve System, July 18, 1984.

James McAfee

Associate Secretary of the Board.

[FR Doc. 84-19442 Filed 7-23-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Delegation of Authority Under the Social Security Act, as Amended

Notice is hereby given that on July 27, 1983, the Secretary of Health and Human Services delegated to the Inspector General, with the authority to redelegate and authorized further redelegation, authority under section 1128A of the Social Security Act, as amended, to make determinations regarding the filing of false claims or improper claims in the Medicare, Medicaid, or Material and Child Health Services Block Grant programs. Authority to conduct hearings was excluded from the delegation.

Dated: July 16, 1984.

Barbara S. Wamsley,

Acting Assistant Secretary for Management and Budget.

[FR Doc. 84-19466 Filed 7-23-84; 8:45 am]

BILLING CODE 4150-04-M

National Institutes of Health

National Cancer Institute; Cancellation, National Cancer Advisory Board Subcommittee on Activities and Agenda

Notice of the meeting of the National Cancer Advisory Board Subcommittee on Activities and Agenda, National Cancer Institute, National Institutes of Health, August 8, 1984, published in the **Federal Register** on July 17, 1984, (49 FR 28923) is hereby cancelled due to some unforeseen circumstances. For further information, please contact Mrs. Barbara S. Bynum, Executive Secretary, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5147).

Dated: July 18, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-19433 Filed 7-23-84; 8:45 am]

BILLING CODE 4140-01-M

Establishment; Fogarty International Center Advisory Board

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the establishment by the Secretary of Health and Human Services, of the Fogarty International Center Advisory Board, Fogarty International Center (FIC).

The Fogarty International Center Advisory Board shall advise the Secretary; the Assistant Secretary for Health; the Director, NIH; and the Director, Fogarty International Center, on matters relating to the activities, programs and mission of the Fogarty International Center. The Board shall provide expert knowledge of the international health scene on how FIC professional and fiscal resources can most effectively be used to encourage and contribute to health-related biomedical and behavioral research and to improve the exchange of new knowledge and technology between the United States and participating foreign countries, institutions, and scientists. The Board shall play a key role in the development and implementation of the FIC International Issues Study-Program, as well as evaluate each of the FIC programs at appropriate regular intervals.

Dated: July 17, 1984.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 84-19434 Filed 7-23-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Decision on the Status of Finland Under the Mineral Leasing Act of 1920

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Decision on the Status of Finland under the Mineral Leasing Act of 1920.

SUMMARY: By letter dated June 16, 1983, addressed to the Department of the Interior, the Government of Finland requested that its laws, customs and regulations be reviewed under section 1 of the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) As a result of this request, the Department of the Interior published a notice in the **Federal Register** on December 8, 1983 (48 FR 55049) requesting that the public submit, by January 8, 1984, written comments on the status of Finland under the Act.

On June 21, 1984, a decision paper on Finland's status was approved. It concluded that the laws, customs and regulations of Finland do not deny similar or like privileges to citizens or corporations of the United States within the meaning of section 1 of the Mineral Leasing Act.

Therefore, pursuant to section 1 of the Mineral Leasing Act, citizens and corporations of Finland may, through stock ownership, stock holding, or stock control in U.S. corporations, own interests in Federal mineral leases and permits subject to the Act. Future actions by the Government of Finland may require reconsideration of this determination.

EFFECTIVE DATE: The decision concerning the status of Finland became effective on June 21, 1984.

ADDRESS: Any suggestions or inquiries should be addressed to: Director (690), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mark A. Alexander, (202) 653-2163, or Mark Guidry, (202) 343-4724.

Dated: July 17, 1984.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

[FR Doc. 84-19435 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-10-M

Privacy Act of 1974; Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Three notices describing systems of records maintained by the Bureau of Reclamation are being revised to reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register:** on April 11, 1977 (42 FR 19094). One notice titled "Audiograms (Hearing Test Records)—Interior, Reclamation-4" is also revised to clarify that routine disclosures are made to the Office of Workers' Compensation Programs, Department of Labor. The three revised notices are published in their entirety below.

Part XVI of the Appendix containing addresses of facilities of the Department which pertains to the Bureau of Reclamation (published at 42 FR 19011-19014) is revised and updated. The detailed listing of Bureau of Reclamation field facilities is no longer required for use with the Bureau's system notices and is deleted. The revised Part XVI of the Appendix is published below.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240.

Comments received within 30 days of publication in the Federal Register will be considered. The notices shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated July 17, 1984.

Oscar W. Mueller, Jr.,

Director Office of Information Resources Management.

INTERIOR/WBR-1

SYSTEM NAME:

Occupational Illness, Accidents, and Related Property Damage—Interior, Reclamation-1.

SYSTEM LOCATION:

Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reclamation employees, contractors, concessionaires, and public visitors to Reclamation facilities who have had incidents resulting in occupational illness or accident and related property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of occupational illness or accident and related property damage containing essential details and descriptive narrative of same.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12196, 3 CFR 145 (1981 Compilation); Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq.; 29 CFR Part 1960; 5 U.S.C. 7902; Federal Tort Claims Act, Pub. L. 89–506; Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 491(j).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to analyze the facts and circumstances surrounding each incident of occupational illness, accident, and related property damage for compilation of statistical data and adjudication of tort and employee claims. Disclosures outside the Department of the Interior may be made: (1) To the Office of Workers' Compensation Programs when a Reclamation employee suffers from an accident or occupational illness; (2) to the Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (5) where relevant or necessary to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit, information may be disclosed: (a) To a Federal agency that has requested the information, or (b) to a Federal, State, or local agency to enable the Department of the Interior to obtain information from such agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and in file folders.

RETRIEVABILITY:

By individual name or social security number (employees only).

SAFEGUARDS:

In accordance with requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

In accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Safety Managers, Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Uppper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

NOTIFICATION PROCEDURE:

Written inquiries regarding the existence of a record(s) should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Written petitions for amendment should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained, supervisors, witnesses, investigators.

INTERIOR-WBR-3

SYSTEM NAME:

Attendance at Meetings—Interior, Reclamation-3.

SYSTEM LOCATION:

Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reclamation employees who have attended professional society meetings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for approval of attendance at meeting (form 7–1695) and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 373, 373a, 1457; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to document employee attendance at professional society meetings and provide adminstrative overview. Disclosures outside the Dapartment of the Interior may be made: (1) To the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) where relevant or necessary to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit, information may be disclosed: (a) To a Federal agency that has requested the information, or (b) to a Federal, State, or local agency to enable the Department of the Interior to obtain information from such agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By individual name or subject of meeting.

SAFEGUARDS:

In accordance with requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

In accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers. Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

NOTIFICATION PROCEDURE:

Written inquiries regarding the existence of a record(s) should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURE:

Written petitions for amendment should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees and meeting reports.

INTERIOR/WBR–4

SYSTEM NAME:

Audiograms (Hearing Test Records)—Interior, Reclamation-4.

System location:

Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reclamation employees who work regularly in areas where noise levels exceed 85dBA and employees requiring baseline exams due to potential exposure to high noise levels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Audiograms prepared and reviewed by trained audiometric technicians and audiologists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12196, Occupational Safety and Health Programs for Federal Employees, February 26, 1980.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to take appropriate action to abate noise hazard to employees and to recommend medical referrals for employees who have acquired hearing impairments as a result of on-the-job noise exposure. Disclosures outside the Department of the Interior may be made: (1) To the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) where relevant or necessary to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit, information may be disclosed: (a) To a Federal agency that has requested the information, or (b) to a Federal, State, or local agency to enable the Department of the Interior to obtain information from such agency; (5) to the Office of Workers' Compensation Programs to support or dispute employee claims for compensation due to hearing loss.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

In accordance with requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

In accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Safety Managers. Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

NOTIFICATION PROCEDURE:

Written inquiries regarding the existence of a record(s) should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.60

RECORD ACCESS PROCEDURE:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURE:

Written petitions for amendment should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Bureau employees. Audiograms prepared by audiometric technicians.

APPENDIX

* * * * *

XVI. Bureau of Reclamation

Headquarters Offices

Bureau of Reclamation, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240

Engineering and Research Center

Bureau of Reclamation, Building 67, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225

Pacific Northwest Regional Office

Bureau of Reclamation, Federal Building, U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho 83724

Mid-Pacific Regional Office

Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825

Lower Colorado Regional Office

Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005

Upper Colorado Regional Office

Bureau of Reclamation, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84147

Southwest Regional Office

Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, Texas 79101

Upper Missouri Regional Office

Bureau of Reclamation, Federal Office Building, 316 North 26th Street, P.O. Box 2553, Billings, Montana 59103

Lower Missouri Regional Office

Bureau of Reclamation, Building 20, Denver Federal Center, P.O. Box 25247, Denver, Colorado 80225

* * * * *

[FR Doc. 84-19451 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Indian Affairs

California Indian Task Force; Meetings

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces forthcoming meetings on the California Task Force to review the draft Task Force report and issue papers. Notice of these meetings is hereby given in accordance with the Federal Advisory Committee Act.

DATES: The meetings will begin at 9:00 a.m. on August 1 and 2, 1984.

ADDRESS: The meetings will be held at the Holiday Inn—Holidome, 5321 Date Avenue, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice W. Babby, California Indian Task Force Chairman, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, telephone number (916) 484-4682.

SUPPLEMENTARY INFORMATION: The meetings will be reserved for review of the draft Task Force report and issue papers.

The meetings are open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come-first serve basis after space has been reserved for elected tribal officials.

Summary minutes of the meetings will be available for public inspection 10 to 12 weeks after the meetings in Room 2550, 2800 Cottage Way, Sacramento, California.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-19483 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-50379-14]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(c) and 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Chugach Natives, Inc., for approximately 777 acres. The lands involved are within the Copper River Meridian, Alaska:

T. 17 S., R. 8 W.
T. 18 S., R. 8 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Cordova Times upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13 Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 23, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal are: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage, Alaska 99503.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-19490 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-JA-M

Exchange of Public Lands in Garfield County for State Lands in Millard County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976:

T. 37 S., R. 11 E., Section 5, All.

Comprising 640 acres of Public Land.

In exchange for these lands, the United States will acquire the following described lands from the State of Utah:

T. 22 S., R. 6 W., Section 16, All.

The purpose of the exchange is to acquire the State land which has high public recreational, educational, and scientific value. This section of land is located on Tabernacle Hill which is an area of public land that has been withdrawn for the above mentioned values. Acquisition of this land will enable the Bureau of Land Management to manage and protect the unique resources on Tabernacle Hill for the benefit of the public. The public interest will be served by completing the exchange.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by adjustment of the acreage.

The lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for a highway, Serial Number U–0148338, issued to the State of Utah or Highway U–276.

2. A right-of-way for a buried telephone cable, Serial Number U–40390, issued to Beehive Telephone Company.

3. A right-of-way to Garfield County for an access road to a sanitary landfill, Serial Number U–46529.

4. A right-of-way for an access road, Serial Number U–7717 issued to the Utah Department of Transportation.

5. A lease for all oil and gas under the subject land, Serial Number U–47653, held by Great White, Inc.

6. A reservation to the United States for right-of-way for ditches and canals constructed under the Act of August 30, 1890 (43 U.S.C. 945).

Publication of this Notice in the **Federal Register** segregates the public land, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange is available for review at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Richfield District Manager at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

July 12, 1984.

Donald L. Pendleton,

District Manager.

[FR Doc. 84–19461 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–DQ–M

Exchange of Public Lands in Garfield County for State Lands in Juab County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976:

T. 37 S., R. 11 E., Section 20, All.

Comprising 640 acres of Public Land.

In exchange for these lands the United States will acquire the following described lands from the State of Utah:

T. 13 S., R. 11 W., Section 16, All.

Comprising 640 acres of State Land.

The purpose of the exchange is to acquire the State land which has high public value for recreation. This section of land is located on the face of Topaz Mountain. Prime Topaz crystal collecting areas are located on this section. It also controls the access to other adjacent collecting areas Topaz Mountain has become the most popular gem collecting area in the world. Acquisition of this land will enable the Bureau of Land Management to manage the unique recreational values of Topaz Mountain for the benefit of the public. The public interest will be served by completing the exchange.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by adjustment of the acreage.

The lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for a highway, Serial Number U–0148338, issued to the State of Utah for highway U–276.

2. A right-of-way for a buried telephone cable, Serial Number U–40390, issued to Beehive Telephone Company.

3. A lease for all oil and gas under the subject land, Serial Number U–47635, held by Great White, Inc.

4. A reservation to the United States for right-of-way for ditches and canals constructed under the act of August 30, 1890 (43 U.S.C. 945).

Publication of this Notice in the **Federal Register** segregates the public lands, described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange is available for review at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Richfield District Manager at the above address. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Donald L. Pendleton,

District Manager.

July 12, 1984.

[FR Doc. 84–19460 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–DQ–M

Cedar City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, August 23, 1984. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Pinyon EIS Allotment Ranking; (2) Cedar-Beaver-Garfield EIS Review; (3) Review of Cooperative Management Agreements; (4) Wild Horse Gathering; (5) AMP Reports from Resource Areas; and (6) General Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by August 20, 1984. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meetings will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Morgan S. Jensen,

District Manager.

July 16, 1984.

[FR Doc. 84–19464 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–DQ–M

Competitive Sale of Public Lands in San Bernardino County, CA, Partial Cancellation of Small Tract and Public Use Classifications; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; partial cancellation of small tract and public use classification—correction.

SUMMARY: This document corrects a Notice of Realty Action for the sale of

public lands in the California Desert District, California, that appeared on the pages 27823–27826 in the **Federal Register** of Friday, July 6, 1984 (49 FR 27823).

SUPPLEMENTARY INFORMATION: The correction is made to the fair market values of each of the parcels proposed for sale which were previously figured in error. Accordingly, the correct fair market value for those parcels previously valued at $3,801, is $4,472; for those previously valued at $4,250, it is $5,000; for those previously valued at $6,375, it is $7,500; for those previously valued at $7,522, it is $8,850; for those previously valued at $8,500, it is $10,000; for those previously valued at $10,200, it is $12,000; for those previously valued at $10,265, it is $12,500; and for those previously valued at $13,600, it is $16,000. In addition, Parcel 105, CA–15493, was erroneously valued at $8,250. Its correct fair market value is $10,000.

FOR FURTHER INFORMATION CONTACT: Arnold Schoeck, Realty Specialist, at the Barstow Resource Area Office, 831 Barstow Road, Barstow, CA 92311, or at (619) 256–3595.

Dated : July 16, 1984.

Richard F. Johnson,

Deputy State Director, Lands and Renewable Resources.

[FR Doc. 84–19459 Filed 7–23–84; 8:45 am]

BILLING CODE 4310–40–M

[C–36866]

Realty Action—Modified Competitive Sale of Public Lands in Park and Teller Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action C–36866, Modified Competitive Sale of Public Lands in Park and Teller Counties, Colorado.

SUMMARY: The following decribed lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1701, 1713), at no less than the appraised fair market value (minimum bid price) listed below:

SIXTH PRINCIPAL MERIDIAN, CO

Parcel No.	Legal description	Acreage	Minimum bid price
	T. 14 S., R. 71 W		
348	Sec. 17, SE¼NE¼, NE¼SE¼	80.00	$50,300
349	Sec. 18, E½SE¼	80.00	52,000
351	Sec. 18, lots 3 and 4; sec. 19, lot 1	127.23	46,700
347	Sec. 20, N½SW¼	80.00	53,600

SIXTH PRINCIPAL MERIDIAN, CO—Continued

Parcel No.	Legal description	Acreage	Minimum bid price
344	Sec. 32, S½NE¼	80.00	39,300
343	Sec. 33, SW¼SE¼	40.00	25,400
340	Sec. 35, E½SW¼	80.00	20,900
	T. 14 S., R. 72 W		
356	Sec. 10, SW¼NE¼, SE¼NW¼	80.00	41,000
355	Sec. 11, NW¼NE¼	40.00	25,900
354	Sec. 11, NE¼SE¼	40.00	25,900
352A	Sec. 12, lot 2	49.88	16,800
352B	Sec. 12, lots 1 and 3	97.11	25,800
352C	Sec. 12, lot 4; sec. 13, NW¼NE¼	82.33	28,850
352D	Sec. 13, NE¼NE¼	40.00	24,000
353B	Sec. 13, S½NW¼	80.00	33,500
353A	Sec. 14, E½NE¼, SW¼NE¼	120.00	57,400
358	Sec. 30, lot 2	37.35	14,950
357	Sec. 34, NW¼NE¼	40.00	4,800

The above aggregates 1,273.9 acres.

The minimum bid prices identified above have been established by appraisal; however, the appraisal has not been officially approved by the supervisory appraiser, Colorado State Office. Therefore, the prices listed above may be subject to change. Qualified bidders will be promptly notified of any change in price.

All parcels listed above, with the exception of parcel 340, are located in Park County. Parcel 340 is located in Teller County.

It is Bureau policy to select a method of sale that will minimize disturbance to adjacent landowners, present users, and ongoing businesses depending on public lands. It has been determined that modified competitive sale of the parcels to adjacent landowners only will be the most productive, beneficial, and least disruptive socially and environmentally. No other bids nor bidders will initially be considered or accepted. There are approximately 96 landowners adjacent to the parcels being offered for sale.

All the parcels described above have not been used for and are not required for any Federal purpose. The locations and physical characteristics of these parcels make them difficult and uneconomical to manage as part of the public lands. All parcels are isolated and all but parcel 355 lack legal access. Disposal will best serve the public interest. The disposal will be consistent with the existing land use plans of the Bureau. Disposal of the parcels does not conflict with local planning and zoning regulations and ordinances.

Each patent issued as a result of the proposed sale will be subject to all valid existing rights of record and will contain a reservation to the United States for rights-of-way for ditches and canals constructed by the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and all minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). Any patent issued for parcel 355 will also be subject to a perpetual right-of-way for *that portion* of the existing 60-foot wide right-of-way of Park County Road No. 100, which partially encroaches on the parcel.

Additionally, as a condition of sale of parcels 344, 348, 349, 351, 353B, 354, and 355, the successful high bidders for each of these parcels will be required to enter into an agreement with the present BLM grazing permittee to honor his or her grazing authorization for any remaining portion of its term. Proof of such an agreement must be submitted before any patent will be issued.

Sale Procedures

Bidding will be by sealed bids only. Initially bids will only be accepted from qualified adjacent landowners as identified by local county records. No bids will be accepted for less than the minimum bid price identified for each parcel. Sealed bids will be accepted until 1 p.m. on September 26, 1984. Bid opening will be at 2 p.m. the same day.

A detailed sales prospectus, providing information on sales procedures and existing grazing authorizations to be honored, will be sent to all adjacent landowners.

Any of the parcels not sold at the September 26, 1984, sale will reoffered for sale by competitive bidding to the general public beginning November 7, 1984, and continuing on the first and third Wednesday of each month thereafter. Sealed bids for the unsold parcel(s) will be accepted from the public from 8 a.m. until 4 p.m. at the Canon City District Office, 3080 East Main, P.O. Box 311, Canon City, CO 81212 with bid openings at 2 p.m. on the sale days. The sale will continue until it is cancelled or the parcel(s) is(are) sold. No bid will be accepted for less than fair market value (minimum bid price). Only sealed bids will be accepted.

BLM may accept or reject any and all bid offers, or withdraw any of the parcels from sale at any time if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with existing Federal laws and regulations.

Further Information and Public Comment

Additional information concerning this sale, including the planning documents and environmental assessment, is available for review in the Royal Gorge Resource Area Office at 9th and Royal Gorge Boulevard, P.O. Box 1470, Canon City, Colorado. For a period of 45 days from the date of this

notice, interested parties may submit comments to the District Manager, Canon City District Office, Bureau of Land Management, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue his final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Donnie R. Sparks,

District Manager.

[FR Doc. 84-19449 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-JB-M

Request for Public Comments on Reducing Maximum Size of Federal Noncompetitive Simultaneous Oil and Gas Leases in the Lower 48 States

Correction

In FR Doc. 84-18625 beginning on page 28629 in the issue of Friday, July 13, 1984, make the following correction. In the third column, in the **DATE** paragraph, insert "Comments should be submitted by October 11, 1984.".

BILLING CODE 1505-01-M

[W-85369]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-85369 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the requested rentals accruing from date of termination.

The lessees have agreed to the new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively. The lessees have paid the required $500 administrative fee and will reimburse the Department for the cost of this **Federal Register** notice.

The lessee having met all the requirements for reinstatement of the lease as set out in sections 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W-85369 effective April 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Jim H. Taylor,

Acting Chief, Branch of Fluid Minerals.

[FR Doc. 84-19463 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting Raymond A. Hicks at 303-231-3147. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the phone number listed below and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: Application for and Disposition of Royalty Oil Taken in Kind.

Abstract: This revision of OMB approved information collection No. 1010-0042, Application for and Disposition of Royalty Oil Taken in Kind, adds the requirement that copies of third-party exchange agreements must be sent to MMS.

Bureau Form Numbers: MMS-4070, MMS-4071.

Frequency: Intermittently, semiannually, annually.

Description of Respondents: Refiners who buy royalty oil from Federal leases, and the lease operators.

Annual Responses: 1260.

Annual Burden Hours: 1395.

Bureau Clearance Officer: Dorothy Christopher, 703-435-6213.

Dated: July 5, 1984.

Orie L. Kelm,

Acting Associate Director for Royalty Management.

[FR Doc. 84-19448 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Mining Plan of Operations at Kenai Fjords National Parks; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9A, Henry W. Waterfield has filed a plan of operations in support of proposed mining operations on lands embracing a Mining Claim within the Kenai Fjords National Park. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska.

Roger J. Contor,

Regional Director, Alaska Region.

[FR Doc. 84-19540 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 13, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 8, 1984.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Jefferson County

Birmingham, *Windham Construction Company Office Building*, 528 8th Ave. N.

Perry County

Uniontown, *Pitts' Folly*, Old Cahaba Rd.

DELAWARE

New Castle County

Middletown vicinity, *Pharo House*, Odessa and Silver Lake Rds.

Odessa, *Odessa Historic District (Boundary Increase)*, Roughly Main and High Sts. between Appoquinimink River and DE 4

Wilmington, *Shipley Run Historic District*, Roughly bounded by Adams, 11th, Jefferson, and 7th Sts.

Wilmington, *Trinity Episcopal Church*, 1108 N. Adams St.

Sussex County

Bridgeville, *Old Bridgeville Fire House*, 102 William St.

FLORIDA

Hillsborough County

Tampa, *Hyde Park Historic District*, Roughly bounded by Hillsborough River and Bay, Howard Ave., and Kennedy Blvd.

INDIANA

Shelby County

Shelbyville, *Shelbyville Commercial Historic District*, Roughly bounded by Broadway, Tompkins, Mechanic, and Noble Sts.

KENTUCKY

Green County

Campbellsville vicinity, *Livesay House (Green County MRA)*, Off KY 208
Creal, *Creal Store (Green County MRA)*, KY 61
Donansburg Vicinity, *Montgomery House (Green County MRA)*, Off KY 1464
Donansburg Vicinity, *Sandidge House (Green County MRA)*, KY 88
Donansburg, *Chewning House (Green County MRA)*, KY 88
Exie vicinity, *Edwards House (Green County MRA)*, KY 745
Exie vicinity, *Edwards, David, House (Green County MRA)*, Off KY 745
Exie vicinity, *Philpot House (Green County MRA)*, KY 729
Exie, *Whitlock Log Cabin (Green County MRA)*, U.S. 68
Greensburg vicinity, *Buckner House (Green County MRA)*, SW of Greensburg
Greensburg vicinity, *Cowherd, Francis, House (Green County MRA)*, Off U.S. 68
Greensburg vicinity, *Ebenezer School (Green County MRA)*, *Off* KY 61
Greensburg vicinity, *Emory-Blakeman-Penick House (Green County MRA)*, KY 487
Greensburg vicinity, *Hilliard, David, House (Green County MRA)*, Off KY 487
Greensburg vicinity, *Mears House (Green County MRA)*, KY 61
Greensburg vicinity, *Montgomery's Mill (Green County MRA)*, Off KY 88
Greensburg vicinity, *Woodward House (Green County MRA)*, U.S. 68
Greensburg, *Barrett-Blakeman House (Green County MRA)*, Hodgenville Rd.
Greensburg, *Goose Creek Foot Bridge (Green County MRA)*, Court and Depot Sts.
Greensburg, *Greensburg Cumberland Presbyterian Church (Green County MRA)*, Hodgenville Ave. N. 1st Sts.
Greensburg, *Greensburg Historic District (Green County MRA)*, Roughly bounded by Hodgenville Ave., 2nd, Court, and Water Sts.
Greensburg, *Greensburg Historic District (Green County MRA)*, Roughly bounded by Hodgenville Ave., 2nd, Court, and Water Sts.
Greensburg, *Hobson, William, House (Green County MRA)*, 102 S. Depot St.
Greensburg, *L & N Passenger Depot (Green County MRA)*, 103 N. Depot St.
Greensburg, *White-Penick House (Green County MRA)*, 106 S. Depot St.
Greensburg, *Wilson, R.H., House (Green County MRA)*, 402 N. Water St.
Gresham vicinity, *Groves-Cabell House (Green County MRA)*, Off KY 61
Haskingsville vicinity, *Anderson House (Green County MRA)*, KY 1913
Haskingsville vicinity, *Christie, Christopher Columbus, House (Green County MRA)*, KY 1915
Haskingsville vicinity, *Keltner House (Green County MRA)*, KY 1913
Haskingsville vicinity, *Mt. Gilead Baptist Church (Green County MRA)*, KY 767
Pierce vicinity, *Wallace, Napoleon, House (Green County MRA)*, Off KY 218
Sumersville vicinity, *Allen, John C., House (Green County MRA)*, KY 61
Sumersville vicinity, *Elmore-Carter House (Green County MRA)*, KY 793
Sumersville vicinity, *Williams, Daniel Motley, House (Green County MRA)*, KY 323
Webbs vicinity, *Simpson Log House (Green County MRA)*, KY 1464
Webbs, *Webbs Female Academy (Green County MRA)*, Off KY 88

MARYLAND

Anne Arundel County

Annapolis, *Helianthus III (yacht)*, Hilton Inn dock
Crofton vicinity, *Linthicum Walks*, 2295 Davidsonville Rd.

Montgomery County

Gaithersburg, *Belt, J.A., Building*, 227 E. Diamond Ave.

Somerset County

Manokin vicinity, *Waters' River*, Hood Rd.
Marion vicinity, *Lankford House*, MD 667
Rehobeth vicinity, *Coventry Parish Ruins*, Off MD 667
Westover vicinity, *Beauchamp House*, Old Westover-Marion Rd.

Talbot County

Wye Mills, *Old Wye Church*, Queenstown-Easton Rd.

MINNESOTA

Hennepin County

Minneapolis, *Bardwell-Ferrant House*, 2500 Portland Ave. S.

Meeker County

Litchfield vicinity, *Ames, Henry, House*, MN 24

Otter Tail County

Pelican Rapids vicinity, *Dunn's Resort*, Off U.S. 59

Winona County

Rollingstone, *Holy Trinity Catholic Church*, Rollingstone Rd. and MN 25
St. Charles, *St. Charles City Baker*, 501 Whitewater Ave.
St. Charles, *Trinity Episcopal Church*, 805 St. Charles Ave.
St. Charles, *Whitewater Avenue Commercial Historic District*, 900—1012 Whitewater Ave.
Stockton, *Trinity Protestant Episcopal Church*, E. Main St. and Broadway
Utica, *Ellsworth, Benjamin, House*, U.S. 14

NEW YORK

Genessee County

Corfu, *Mount Pleasant*, 2032 Indian Falls Rd.

PENNSYLVANIA

Lehigh County

Catasaqua, *Biery's Port Historic District*, Roughly bounded by Pineapple, front, Race, and Mulberry Sts.

PUERTO RICO

Ponce County

Ponce, *Villaronga House*, 106 Reina St.

TENNESSEE

Lewis County

Napier vicinity, *Tate, Netherland, House*, Napier Rd.

Marshall County

Belfast, *Belfast Railroad Depot*, U.S. 431

Weakley County

Gleason, *Bandy, Dr. Robert W., House*, College St.

TEXAS

Calhoun County

Port Lavaca, *Louwein, A.C., Bakery*, 223 Main St.

Cherokee County

Jacksonville, *Aber and Haberle Houses*, 823 and 833, S. Bolton St.

Dallas County

Dallas, *Houston Street Viaduct*, Houston st. roughly between Arlington St. and Lancaster Ave.

Harris County

Houston, *DePelchin Faith Home*, 2700 Albany St.

UTAH

Iron County

Cedar City, *City Railroad Depot*, 220 N. Main St.
Cedar City, *Old Main and Science Buildings*, Southern Utah State College campus

WEST VIRGINIA

Barbour County

Elk City, *Crim, J.N.B., House*, WV57
Philippi, *Peck-Crim-Chesser House*, 14 N. Walnut St.

Jefferson County

Charles Town vicinity, *Hillside*, Old Cave Rd.

Kanawha County

Charleston, *Daniel Boone Hotel*, 405 Capitol St.

Mason County

Southside vicinity, *Couch-Artrip House*, U.S. 35

Monongalia County

Morgantown, *Rogers House*, 293 Willey St.

Morgan County

Berkeley Springs vicinity, *Quick, John Herbert, House*, Off U.S. 522
Berkeley Springs, *Sloat-Horn-Rossell House*, 415 Fairfax St.

Raleigh County

Sandstone vicinity, *St. Colman's Roman Catholic Church and Cemetery*, WV26

Tucker County

Parsons, *Tucker County Courthouse and Jail*, 1st and Walnut Sts.

Wood County

Parkersburg, *Cooper, Henry, House*, Park Ave.

Parkersburg, *Jackson Memorial Fountain*, Park Ave. and 17th St.

[FR Doc. 84-19539 Filed 7-23-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275-7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 35-7340

Type of Clearance: Extension.

Bureau/Office: Office of Proceedings.

Title of Form: Application for Authority Under 49 U.S.C. 11343, 11344 to Consolidate, Merge, Purchase, or Lease Operating Rights and Properties, or any Part Thereof, of a Motor Carrier.

OMB Form No.: 3120-0080.

Agency Form No.: OP-F-44.

Frequency: Non-recurring.

Respondents: Motor Carriers proposing transactions under 49 U.S.C. 11343 & 11344.

No. of Respondents: 20

Total Burden Hrs.: 1,600

Type of Clearance: Extension.

Bureau/Office: Office of Proceedings.

Title of Form: Application for Approval Under 49 U.S.C. 11349 of the Temporary Operation of Motor Carrier Properties Sought to be Acquired Under Separately Filed Applications and Petitions for Exemption Under 49 U.S.C. 11343, 11344 or the Transfers of Motor Carrier Certificate and Permits Under 49 U.S.C. 10926.

OMB Form No.: 3120-0079

Agency Form No.: OP-F-46.

Frequency: Non-recurring.

Respondents: Motoring Carriers proposing transactions under 49 U.S.C. 11349.

No. of Respondents: 306.

Total Burden Hrs.: 7,650.

James H. Bayne,

Secretary.

[FR Doc. 84-19473 Filed 7-23-84; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. P-77]

Rail Carriers; Atchison, Topeka and Santa Fe Railway Co.; Passenger Train Operation

To: The Atchison, Topeka and Santa Fe Railway Company

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between New Orleans, Louisiana and Los Angeles, California. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks near Knippa, Texas, are temporarily out of service because of a derailment. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company between Temple and Sweetwater, Texas.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty day' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served April 29, 1982, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with the Missouri-Kansas-Texas Railroad Company (MKT) at Temple, Texas, and a connection with Missouri Pacific Railroad Company (MP) at Sweetwater, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application*. The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date*. This order shall become effective at 6:20 a.m. (EDT), June 28, 1984.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m. (EDT), June 28, 1984, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, DC, June 28, 1984.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 84-19472 Filed 7-23-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 14-84]

Privacy Act of 1974; Systems of Records; Deletions and Modifications

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Drug Enforcement Administration (DEA), Department of Justice, proposes to delete notice of three systems of records now reported as maintained by DEA and to make certain modifications to its existing Privacy Act Systems.

Specifically, DEA is deleting notice of the "International Intelligence Data Base, JUSTICE/DEA-007" and the "Regional Automated Intelligence Data System (RAIDS), JUSTICE/DEA-028." It has been determined that the system notices describing these systems are a duplicative reporting of certain records which are contained and described in the "Automated Intelligence Records System (Pathfinder), JUSTICE/DEA-INS-III." DEA is also deleting notice of a system entitled, "Agent Recruit Assessment Program, JUSTICE/DEA-030," which never became operational.

Most of the changes DEA proposes to make to its existing systems consist of minor clarifications, many of which are the result of internal reorganizations. In

addition to such changes, however, DEA proposes to add new routine uses to its system entitled "Automated Intelligence Records System (Pathfinder), JUSTICE/DEA–INS–III." Therefore, pursuant to subsections (e)(4)(D) and (11) of the Privacy Act, interested persons are invited to comment on the new routine uses. Comments may be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be received by August 23, 1984. Since the new routine uses are compatible with the purposes for which the system is maintained, these changes do not meet the reporting criteria of Office of Management and Budget (OMB) Circular A–108. Therefore, no report has been filed with OMB and the Congress.

Changes to DEA system notices reprinted below have been italicized.

Dated: June 25, 1984.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/DEA–001

SYSTEM NAME:

Air Intelligence Program.

SYSTEM LOCATION:

Drug Enforcement Administration 1405 Eye Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Aircraft Owners; (B) Licensed Pilots.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) FAA Civil Aircraft Registry; (B) FAA Aircraft Owners Registry; (C) FAA Airman Directory; (D) Entries into NADDIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The System is maintained to provide intelligence and law enforcement activities pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system provides a research data base for identification of aircraft, aircraft owners and pilots that are known or suspected of involvement in illicit air transportation of narcotics. Information developed from this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other Federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reference materials are maintained on microfiche. Information developed from the reference materials is entered onto the NADDIS magnetic tape.

RETRIEVABILITY:

This system is indexed by name and identifying numbers.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis.

RETENTION AND DISPOSAL:

Reference materials are retained until updated and then destroyed. Entries into NADDIS are retained for *twenty-five* years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration; 1405 Eye Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

The reference materials in this system are matters of public record. Information developed from this system and entered into the Narcotics and Dangerous Drug Information System (NADDIS) has been exempted from compliance with subsection (d) of the Act by the Attorney General.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Federal Aviation Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), and (H), (e) (5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) *and (k).* Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA–003

SYSTEM NAME:

Automated Records and Consummated Orders System/Diversion Analysis and Detection System (ARCOS/DADS).

SYSTEM LOCATION:

Drug Enforcement Administration, 1105 Eye Street, N.W. Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons registered with DEA under the Comprehensive Drug Abuse Prevention and control Act of 1970 (Pub. L. 91–513).

CATEGORIES OF RECORDS IN THE SYSTEM:

The information contained in this system consists of individual business transactions between levels of handlers of controlled substances to provide an audit trail of all manufactured and/or

imported controlled substances to the dispensing level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to the reporting requirements of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826(d)) and to enable the United States to fulfill its treaty obligations under the Single Convention on Narcotic Drugs and the Convention on Phychotropic Substances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users for the purposes stated: (A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes; (B) State and local law enforcement and regulatory agencies for law enforcement and regulatory pruposes; (C) The International Narcotics Control Board as required by treaty obligations.

The ARCOS/DADS system of records generates the following reports: (1) Reports to the United Nations on Narcotics and Psychotropic Substances; (2) Aggregate Individual Quota Allocation Supportive Data; (3) Usage of Controlled Substances; (4) Controlled Substance Summary by reporting Registrant; (5) Controlled Substance Summary by Location; (6) Controlled Substance Usage & Inventory Summary—by Schedule; (7) Discrepancy Notice Reports; (8) Discrepancy Error Analysis Report; (9) Potential Diversion reports; (10) Incomplete Transfers; (11) Unauthorized Purchases; (12) Excess Inventory & Purchases; (13) Order Form Monitoring; (14) Improper Reporting of Partial Shipments; (15) Discrepancies in Quantities; (16) Waste & Sampling of Controlled Substances Beyond Limits; (17) Controlled Substances Used in Manufacturing of Non-controlled Substances; (18) Controlled Substances Used in Research; (19) Controlled Substances Sold to Government Agencies; (20) Controlled Substances Destroyed; (21) Controlled Substances Imported/Exported; (22) Quota Excess.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of informaton to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All automated data files associated with ARCOS/DADS are maintained in the Department of Justice Data Center and the Drug Enforcement Administration Data Center.

RETRIEVABILITY:

The system is indexed by name and identifying number. In addition a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

The portion of the records maintained in DEA headquarters is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to ARCOS Unit employees who have appropriate security clearances on a need to know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Input data received from registrants is maintained for 60 days for backup purposes and then destroyed by shredding or electronic erasure. ARCOS master inventory records are retained for eight consecutive calendar quarters. As the end of a new quarter is reached the oldest quarter of data is purged from the record. ARCOS transaction history will be retained for a maximum of five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

RECORD SOURCE CATEGORIES:

Business forms and individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d) (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA–004

SYSTEM NAME:

Congressional Correspondence File.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the United States Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Inquiries from members of Congress; (B) Reply to Congressional inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is maintained to provide a history of Congressional inquiries. The information is not disseminated outside the Department of Justice.

Release of information to the news media: Information permitted to be released to the media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to *5 U.S.C.* 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The documents in this system are maintained in standard file folders.

RETRIEVABILITY:

The system is indexed by the name of the Member of Congress.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA Congressional *Affairs Staff.*

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Affairs, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration, *1405 Eye* Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-005

SYSTEM NAME:

Controlled Substances Act Registration Records (CSA).

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 I Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on the following categories of individuals registered under the Controlled Substances Act including registrants doing business under their individual name rather than a business name: (A) Physicians and related practitioners; (B) Dentists; (C) Veterinarians; (D) Persons conducting research with controlled substances; (E) Importers of controlled substances; (F) Exporters of controlled substances; (G) Manufacturers of controlled substances; (H) Distributors of controlled substances; (I) Pharmacies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Controlled Substances Act Registration Records are maintained in a manual system which contains the original of the application for registration under 224, 224a, 224b, 225, 226, 227, 268, and 363, order forms (DEA–222's) and any correspondence concerning a particular registrant. In addition, the same basic data is maintained in an automated system for quick retrieval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Drug Enforcement Administration is required under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) to register all handlers of controlled substances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Controlled Substances Act Registration Records produce special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated: (A) Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes; (B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes; (C) Persons registered under the Controlled Substances Act (Pub. L. 91–513) for the purpose of verifying the registration of customers and practitioners.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of this system is maintained on magnetic tape and the manual portion is by batch.

RETRIEVABILITY:

The automated system is retrieved by name and registration number. The manual portion is filed in batches by date the application was processed. A microfish system of the names by State is maintained for quick reference purposes. In addition, a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

This system of records is maintained in DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to DEA personnel on a need-to-know basis. A specific computer

program is necessary to extract information. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records in the manual portion of the system are retired to the Federal Records Center after one year and destroyed after eight years. The automated data is stored in the Department of Justice Computer Center and destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquires should be addressed to Freedom of Information Unit, Drug Enforcement Administration; 1405 I Street, NW., Washington, D.C. 20537. Inquiries should include inquirer's name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from: (A) Registrants under the Controlled Substances Act (Pub. L. 91–513); (B) DEA Investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4) (G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/DEA–006

SYSTEM NAME:

Freedom of Information/Privacy Act Records.

SYSTEM LOCATION:

Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, N.W., Room 200, Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in DEA's system of records pursuant to the Privacy Act; and, where aplicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains: (1) Copies of all correspondence and internal memorandums related to the Freedom of Information Act and Privacy Act request, and related records necessary to the processing of such requests receive after *January 1, 1975, (2) documents responsive to Freedom of Information Act/Privacy Act requests that are contained in other DEA systems of records, and (3)* copies of all documents relevant to appeals and lawsuits under the Freedom of Information Act and Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and is maintained pursuant to the authority of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973; and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such records as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Freedom of Information Division.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in this system are maintained in standard case file folders.

RETRIEVABILITY:

A record is retrieved by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the system is stored in Diebold combination vault and access is restricted to the staff of the Freedom of Information Division on a need-to-know basis.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of records contained in this system. Destruction schedules will be developed as the system requirements become known.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Records Management, Drug Enforcement Administration, 1405 I Street, N.W., Room 200, Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

A part of this system is exempted from this requirement under 5 U.S.C. 552a (j) or (k). To the extent that this

system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request is received by the Drug Enforcement Administration, 1405 I Street, Washington, D.C. 20537. A request shall be made in writing, with the envelope and the letter clearly marked "Privacy Request". Each Privacy request shall contain the name of the individual involved, his date and place of birth, and other verification of identity as required by 28 CFR 16.41. Each requestor shall also provide a return address for transmitting the information. Requests shall be directed to the *Chief, Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.*

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the processing responding to requests, and other agencies referring requests for access to or correction of records originating in the Drug Enforcement Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of 5 U.S.C. 552a; in addition, this system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f) of 5 U.S.C. 552a. This system is exempted because the records contained in this system reflect Drug Enforcement Administration law enforcement and investigative information. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(c), and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-008

SYSTEM NAME:

Investigative Reporting and Filing System.

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 I Street, N.W., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Drug offenders
B. Alleged drug offenders
C. Persons suspected of drug offenses
D. Confidential informants
E. Defendants
F. Witnesses
G. Non-implicated persons with pertinent knowledge of some circumstance or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: (a) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; (b) Responsible officials of business firms registered with DEA; (c) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; (d) Applicants for DEA registration and their responsible employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The investigative Reporting and Filing System includes, among other things, a system of records as defined in the Privacy Act of 1974. Individual records, i.e., items of information on an individual, may be decentralized in separate investigative file folders. Such records, as well as certain other records on persons and subjects not covered by the Act, are made retrievable and are retrieved by reference to the following subsystems.

A. The Narcotics and Dangerous Drugs Information System (NADDIS) consists of two centralized automated indices and machine records on subjects cited in and extracted from investigative reports. The two indices represent a name index and a number index which are used to access one or more specific records for examination. The system serves as both an index to the more voluminous written reports upon which it is based and as an autonomous means for developing investigative leads and aids in selecting source materials for studies of a strategic nature. The system is accessible by telecommunications by appropriately equipped DEA headquarters and field offices. Records which comprise the system are also accessed by special computer runs. These runs are typically generated from selection criteria which cannot be utilized (input) via the telecommunications equipment. Bulk products generated via off-line runs may be formatted on computer tape, in printout or on microfiche depending on the needs of the user.

Direct references to the discrete file folders in which the source reports are filed are provided within each record. Therefore, the NADDIS records point to the more comprehensive manual reports maintained centrally at Headquarters. Records are retrievable by name and by certain identifying numbers in the on-line mode and by virtually any record data element in the off-line mode.

B. The Confidential Source Subsystem within the Investigative Reporting and Filing System consists of demographic and administrative data concerning: (a) persons who under the specific direction of a DEA agent, with or without the expectation of payment or other valuable consideration, furnish information regarding drug trafficking, or perform other lawful services; and (b) persons who furnish information to DEA on an occasional basis.

The information contained in this subsystem is extracted directly from investigative files and confidential informant files contained in the system.

This subsystem contains no names. The subsystem consists of alphanumeric identifiers coupled with demographic and administrative data concerning the confidential source. The subsystem serves primarily as an administrative tool to enable DEA management to perform periodic reviews of confidential sources required by DEA guidelines and regulations, to enable DEA to maintain move effective management controls over the expenditure of funds to confidential sources and to enable DEA to more systematically assess the performance of particular confidential sources. In addition, the system will generate statistical reports which will assist DEA management in evaluating the overall effectiveness of the utilization of confidential sources of information.

The system is accessed by designated ADP terminals on the strictest need to know basis.

C. Manual name indices covering foreign investigative activities are maintained by DEA foreign field offices. A residual card index is retained by DEA headquarters and domestic field offices that predates the automated central index. The items of information on the manual index records are extracted only from investigative reports and point to the more comprehensive information in pertinent investigative file folders. The records in the field office indices are subsets of the central automated and manual indices. Records are retrievable by name only by this manual technique. Four basic categories of files are maintained within the Investigative Reporting and Filing System. DEA does not maintain a dossier type file in the traditional sense on an individual. Instead, the files are compiled on separate investigations, topics and on a functional basis for oversight and investigative support. (a) Criminal Investigative Case Files; (b) General Investigative Files, Criminal and Regulatory; (c) Regulatory Audit and Investigative Files; (d) Confidential Informant Files.

The basic document contained in these files is a multipurpose report of investigation (DEA–6) in which investigative activities and findings are rigorously documented. The reports pertain to the full range of DEA criminal drug enforcement and regulatory investigative functions that emanate from the Comprehensive Drug Prevention and Control Act of 1970. Within the categories of files listed above, the general file category includes preliminary investigations of a criminal nature, certain topical or functional aggregations and reports of preregistrant inspections/investigations. The case files cover targeted conspiracies, trafficking situations and formal regulatory audits and investigations. Frequently the criminal drug cases are the logical extension of one or more preliminary investigations. The distinction between the case file and general file categories, therefore is based on internal administrative policy and should not be construed as a differentiation of investigation techniques or practices. These files, except for Confidential Informant Files, contain also adopted reports received from other agencies to include items that comprise, when indexed, individual records within the meaning of the Act. The central files maintained at DEA Headquarters include, in general, copies of investigative reports and most of the supporting documents that are generated or adopted by DEA Headquarters and field offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained to enable DEA to carry out its assigned law enforcement and regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513), Reorganization Plan No. 2 of 1973, and to fulfill United States obligations under the Single Convention on Narcotic Drugs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system may be used as a data source or reference facility for numerous summary, management and statistical reports produced by the Drug Enforcement Administration. Only on rare occasions do such reports contain identifiable individual records. Information contained in this system is provided to the following categories of users as a matter of routine use for law enforcement and regulatory purposes: (a) Other federal law enforcement and regulatory agencies; (b) State and local law enforcement and regulatory agencies; (c) Foreign law enforcement agencies with whom DEA maintains liaison; (d) The Department of Defense and Military Departments; (e) The Department of State; (f) U.S. intelligence agencies concerned with drug enforcement; (g) The United Nations; (h) Interpol; (i) To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: (a) To federal agencies for national security clearance purposes and to federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; (b) To the Office of Management and Budget upon request in order to justify the allocation of resources; (c) To State and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; (d) To the news media for public information purposes; and (e) To respondents and their attorneys for purposes of discovery, formal and informal in the course of an adjudicatory, rulemaking, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member of staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspection conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Administration regulations include detailed instructions for the preparation, adoption, handling, dissemination, indexing of individual records, storage, safeguarding of investigative reports and the accounting of disclosure of individual records.

STORAGE:

1. The Headquarters central files and the field office subsets of the Investigative Reporting and Filing System are maintained in standard file folders. Standard formats are employed. Manual indices are maintained using standard index record formats.

2. The Narcotics and Dangerous Drugs information subset is stored electronically on the Department of Justice computer center separate from DEA Headquarters.

RETRIEVABILITY:

Access to individual records is gained by reference to either the automated or manual indices. Retrievability is a function of the presence of items in the index and the matching of names in the index with search argument names or identifying numbers in the case of the automated system. Files identified from field office indices are held by the field office and Headquarters. Files identified from the automated index may not be held by the interested office, but the originators of such files are identified. In addition a number of telecommunication terminals have been added to the

existing network, *including a terminal installation at the J. Edgar Hoover Building, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20535.*

SAFEGUARDS:

The Investigative Reporting and Filing system is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to investigative information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

1. Physical security when investigative files are attended is provided by responsible DEA employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of continers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files and the extent of security guard and/or surveillance afforded by electronic means.

2. Protection of the automated index is provided by physical, procedural and electronic means. The Master file resides on the Department of Justice computer center and is physically attended or guarded on a full-time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex sign-on procedure. The procedure is provided only to *persons designated and authorized by DEA.* For certain terminals, access is further restricted by cryptological equipment.

3. An automated log of queries is maintained for each terminal. Improper procedure results in no access. Terminals are signed-off after use. The terminals are otherwise located in locked facilities after normal working hours.

4. The dessemination of investigative information on an individual outside the Department of Justice is made in accordance with the routine uses as described herein or otherwise in accordance with the conditions of disclosure prescribed by the Act. The need to know of the recipent is determined in both cases by *persons designated and authorized by DEA* as a prerequisite of the release.

RETENTION AND DISPOSAL:

Records contined within this system except for those in general files are retained for *twenty-five (25)* years. Records in general files are retained for *twenty-five (25)* years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Records Management, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be oddressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(a) DEA personnel, (b) Cooperating individuals; (c) Suspects and defendants; (d) Federal, State and local law enforcement and regulatory agencies; (e) Other federal agencies; (f) Foreign law enforcement agencies; (g) Business records by subpoena; (h) Drug and chemical companies; (i) Concerned citizens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e)(1), (2) and (3), (*e*)(4)(G) and (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-009

SYSTEM NAME:

Medical Records.

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 Eye Street NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA Employees; (B) Cooperating Individuals;

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Annual physical examinations; (B) Reports of disease or injury pertaining to DEA Special Agents and Chemists; (C) Reports of job related injury or illness for employees and cooperating individuals; (D) Pre-employment physical examination of DEA Special Agents and Investigators; (E) Physical examination reports of non-federal police personnel applying to attend the National Training Institute.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained to establish and maintain an effective and comprehensive health program for employees pursuant to 5 U.S.C. 7901, 29 U.S.C. 655 and 668 and Executive Order 11807 of September 28, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for internal DEA *use.* The only disclosure outside the agency would be to a physician when authorized by the subject.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnel privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND IMPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in standard file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected

by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in file safes in an alarmed, controlled access area. Access to the sytem is limited to employees of the medical office on a need-to-know basis.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Administrator, Drug Enforcement Administration; 1405 Eye Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. Inquiries should contain the following information: Name; Date and Place of Birth; Dates of Employment with DEA; Employee number.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained; Employees of Medical Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–010

SYSTEM NAME:

Planning and Inspection Division Records.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537. Also, field offices. See Appendix I for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA employees, past and present; (B) Applicants for employment with DEA; (C) Drug offenders, alleged drug offenders, and persons suspected of drug offenses; (D) Offenders, alleged offenders, and persons suspected of committing Federal and state crimes broadly characterized as corruption or integrity offenses; (E) Confidential informants; (F) Witnesses; (G) Non-implicated persons with pertinent knowledge of circumstances or aspects with pertinent knowledge of circumstances or aspects of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need will exist.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Investigative reports with supporting memoranda and work papers relating to investigations of individuals and situations. (B) General files which include, among other things, supporting memoranda and work papers and miscellaneous memoranda relating to investigations of and the purported existence of situations and allegations about individuals. (C) Audit and inspection reports of inspections of DEA offices, personnel, and situations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reorganization Plan No. 1 of 1968 and 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users as a matter or routine uses for law enforcement and regulatory purposes: A. Other Federal law enforcement and regulatory agencies; B. State and local law enforcement and regulatory agencies; C. Foreign law enforcement agencies with whom DEA maintains liaison; D. The Department of State; E. The Department of Defense and Military Departments; F. U.S. Intelligence agencies concerned with drug enforcement; G. The United Nations; H. Interpol; I. To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: A. To Federal agencies for national security clearance purposes and to Federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; B. To the Office of Management and Budget upon request in order to justify the allocations of resources; C. To state and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; D. To the news media for public information purposes; E. To Federal, State and local governmental agencies who are conducting suitability for employment investigations on current or prospective employees.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are maintained in standard investigation folders. Automated records are maintained on magnetic disks.

RETRIEVABILITY:

Access to manual records can be accomplished by the use of a card index maintained alphabetically by employee name. Access to the automated system is achieved by reference to personal identifiers, other data elements or any combination thereof.

SAFEGUARDS:

These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Assess to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the Office of Internal Security and upper level management officials. The records are stored in *a vault protected by alarm and cipher locks.* Access to the system will be on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Case files are destroyed after five years unless the Office of Internal Security of the Chief Counsel determines that these files are required

for potential or ongoing litigation. This determination will be subject to annual review. General files and audit files shall be retained as long as the subject is employed at DEA and for two years after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Security Programs Manager, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquires should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Investigations; (B) Federal, State and local law enforcement agencies; (C) Cooperating individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e) (5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-011

SYSTEM NAME:

Operations Files

SYSTEMS LOCATION:

Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Cooperating Individuals; (B) Confidential Informants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Biographic and background information; (B) Official Contact Reports; (C) Intelligence Reports (DEA–6).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to assist in intelligence operations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513(and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is used to keep a history of intelligence operations against narcotics traffickers and their support networks. Information contained in this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other Federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison; (D) United States Intelligence and Military Intelligence agencies involved in drug enforcement; (E) The United States Department of State.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard case files.

RETRIEVABILITY:

These files are retrieved manually by subject matter category and coded identification number.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, all files are stored in GSA approved security containers approved for Secret material and treated as if they carried a Secret classification whether classified or not. Access to the files is restricted to authorized DEA employees with Top Secret clearances on a limited need-to-now basis.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C. 20537

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Reports; (B) Reports of federal, state and local agencies; (C) Reports of foreign agencies with whom DEA maintains liaison.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-012

SYSTEM NAME:

Registration Status/Investigation Records

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street N.W. Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have a Controlled Substances Act registration number

under their personal name who have had some action taken against their license or registration.

CATEORIES OF RECORDS IN THE SYSTEM:

(A) DEA reports of investigation; (B) Information received from state regulatory agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to enable the Drug Enforcement Administration to perform its regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system of records is provided for law enforcement and regulatory purposes to the following categories of users on a routine basis: (A) Other federal law enforcement and regulatory agencies; (B) State and local law enforcement and regulatory agencies; (C) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule-making, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems or records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

These records are maintained in standard case file folders.

RETRIEVABILITY:

This system is indexed by name of registrant.

SAFEGUARDS:

This system of records is maintained in DEA Headquarters which is protected by 24-hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized employees of the *Diversion Operation Section* on a need-to-know basis.

RETENTION AND DISPOSAL:

These records are retained as long as there is a need for the file. These are working files and may be destroyed when no longer required or merged into the Investigative Case File and Reporting System.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; 1405 Eye Street, NW. Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Investigators; (B) State and local regulatory agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-013

SYSTEM NAME:

Security Files

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) DEA personnel; (B) Cooperating individuals and informants; (C) Drug traffickers and suspected drug traffickers; (D) Individuals who might discover DEA investigations or undercover operations by chance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains reports concerning the categories of individuals stated above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained to identify and correct security problems in the area of intelligence operations and installations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is utilized to generate reports on security problems in the area of intelligence operations and installations. In addition, information is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information on the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record

from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard case folders.

RETRIEVABILITY:

The information in this system is retrieved by subject matter category or by coded identification number.

SAFEGUARDS:

This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, these records are stored in GSA approved security containers authorized for Secret material. Access to the system is restricted to authorized DEA personnel who have Top Secret Clearances on a limited need-to-know basis.

RETENTION AND DISPOSAL:

Records in this system are retained as long as the individual remains active and then destroyed or retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA Reports; (B) Reports of federal, state and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-014

SYSTEM NAME:

System to Retrieve Information from Drug Evidence (STRIDE/Ballistics).

SYSTEM LOCATION:

Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field office. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defendants and suspected violators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Ballistics report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained to provide drug intelligence for law enforcement purposes pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Information from this system is provided to the following categories of users for law enforcement purposes on a routine basis: (A) Other federal law enforcement agencies; (B) State and local law enforcement agencies; (C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored on magnetic tape.

RETRIEVABILITY:

The system is indexed by case number and subject name. The information can be retrieved by name of DEA case number. In addition, a number of telecommunication terminals have been added to the existing network.

SAFEGUARDS:

This system of records is maintained at DEA, headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

The information contained in this system is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Forensic Sciences Section, Drug Enforcement Administration; 1405 Eye Street, NW.; Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.I95Contesting record procedures:

Same as above.

RECORD SOURCE CATEGORIES:

DEA Reports: Scientific Analysis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance

with the requirements of 5 U.S.C. 553 (b), (C) and (e) and been published in the Federal Register

JUSTICE/DEA-015

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537 *and DEA Office of Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have attended training programs sponsored by the Drug Enforcement Administration *Office of Training.*

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Students names; (B) Dates and locations of schools; (C) Class average and individual student grades; (D) Locations of student's employers; (E) Number of years experience in general law enforcement and drug law enforcement; (F) Classification of student's employers by state, local, county, or Federal; (G) Type of school attended; (H) Class rosters; (I) Biographic data; (J) Evaluation reports; (K) Application and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained to provide educational and training programs on drug abuse and controlled substances law enforcement pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is maintained to assist in performing the administrative functions of the *Office of Training* and is used to prepare class directories, class rosters, program evaluation reports and statistical reports. In addition, information from this system is provided to Federal, state and local law enforcement and regulatory agencies employing former students and biographical data may be provided to students and former students in the form of class rosters and alumni publications.

Release of information to the news media: Information permitted to be released to the news media and the public may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information of Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The manual records in this system are maintained on index cards and in file folders and the automated portion is maintained on magnetic tapes.

RETRIEVABILITY

Data may be retrieved by the student's last name, school location code, or by beginning course dates.

SAFEGUARDS:

Those records maintained at DEA Headquarters, *are* protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, access *to file* is limited to *Office of Training* personnel on a need-to-know basis. *Those records maintained at the Drug Enforcement Administration, Office of Training, Federal Law Enforcement Training Center, Glynco, Georgia, are located in a secure building in locked file cabinets. Access to file is restricted to DEA personnel on a need-to-know basis.*

RETENTION AND DISPOSAL:

Records in this system are currently maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Training, Drug Enforcement Administration, *Federal Law Enforcement Training Center, Glynco, Georgia 31524.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information *Section,* Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Inquiries should contain name; date and place of birth; and dates of attendance at courses sponsored by the *Office of Training.*

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) Students: (B) Instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-016

SYSTEM NAME:

Drug Enforcement Administration Accounting System (DEAAS II).

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DEA employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

All vouchers paid except payroll vouchers for DEA employees. In addition all advance of funds issued to DEA travelers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended, 31 U.S.C. 66 and U.S.C. 200(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

Release of Information to the News Media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETIREVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual voucher files are maintained alphabetically by payee's name. Travel advance information and other budget and accounting data are maintained by an online computerized file Information on travel advances is stored by employee identification number; other budget and accounting data is maintained by obligation number or other program idenfifier.

RETRIEVABILITY:

Information from manual voucher files is retrieved by using the name of the payee. Travel advance information is retrieved by employee identification number; other budget and accounting data is retrieved by obligation number or other program identifier.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures. Access to manual voucher files is restricted to employees on a need to know basis. Information that is retrievable by terminals can be retrieved only by authorized employees of the Department of Justice who have been issued user identification numbers.

RETENTION AND DISPOSAL:

The payment documents are retained at this location for three fiscal years (current and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration. In the computerized file for travel advances, only the last two transactions in any particular account are retained in the file. Old transactions are automatically purged as new transaction are entered.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Administration, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedure" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedure" above.

RECORD SOURCE CATEGORIES:

Submitted by the payee involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-017

SYSTEM NAME:

Grants of Confidentiality Files (GCF).

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for grants of confidentiality.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Requests for and actual Grants of Confidentiality; (B) Correspondence relating to above; (C) Documents relating to investigations of said applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to 21 U.S.C. 872 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records are utilized for the purpose of investigating applicants prior to the granting of confidentiality. In the course of such investigations, information may be disseminated to state and local law enforcement and regulatory agencies to other federal law enforcement and regulatory agencies.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on standard case folders.

RETRIEVABILITY:

The information in this system is retrieved by name of grantee.

SAFEGUARDS:

This systems of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA employees on a "need to know basis."

RETENTION AND DISPOSAL:

Records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel; Drug Enforcement Administration; 1405 Eye Street, NW; Washington, D.C., 20537

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information *Section*, Drug Enforcement Administration, 1405 Eye Street, NW; Washington, D.C., 20537. Inquiries should include the inquirer's name, date, and place of birth.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(A) DEA investigative reports; (B) Applicants; (C) Reports from other federal, state and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-018

SYSTEM NAME:

DEA Applicant Investigations (DAI)

SYSTEM LOCATION:

Drug Enforcement Adminstration; 1405 Eye Street, NW, Washington D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employement with DEA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in records may include date and place of birth, citizenship, marital status, military and social security status. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived, arrests and convictions for any violations against the law, information from inquiries directed to present and former supervisors, co-workers, associates, educators, etc, credit and National Agency checks, and other information developed from the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301 and Executive Order No. 10450.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

These records are used by DEA to implement an effective screening process for applicants. To foreign, federal, state and local law enforcement and regulatory agencies, where appropriate, for referral to avoid duplication of the investigative process and where the appropriate agency is charged with the responsibility of investigating or prosecuting potential violations of law.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in standard investigative folders.

RETRIEVABILITY:

These records are retrieved by use of a card index maintained alphabetically by employee name.

SAFEGUARDS:

These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

RETENTION AND DISPOSAL:

These records are maintained during period of employment and for 5 years after termination of employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Programs Manager, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to: Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C. 20537. Inquiries should include the inquirer's name, date, and place of birth.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

DEA investigations, federal, state and local law enforcement agencies.

Cooperating individuals, employees, educational institutions, references, neighbors, associates, credit bureaus, medical officials, probation officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements at 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA-020

SYSTEM NAME:

Essential Chemical Reporting System.

SYSTEM LOCATION:

Drug Enforcement Administration (DEA), 1405 I Street, N.W., Washington, DC 20537. Also, DEA Field Offices. See Appendix 1 for list of addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who submit reports concerning the sale, loss, or theft of *precursor* or other chemical essential to the manufacture of controlled substances.

B. Individuals who are reported as the purchaser, importer, or individual suffering the loss or theft of *precursor* or other chemical essential to the manufacture of controlled substances.

C. Individuals who are reported as the person placing an order for *precursor* or other chemical essential to the manufacture of controlled substances.

D. Individuals who are reported as being involved in or having knowledge of the details relative to the loss or theft of *precursor* or other chemical essential to the manufacture of controlled substances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains: (1) *precursor* dine reports submitted to DEA pursuant to Pub. L. No. 95–633. (2) Information extracted from *precursor* reports and maintained on magnetic tape. (3) Reports submitted voluntarily to DEA concerning chemicals essential to the manufacture of controlled substances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to the reporting requirements contained in Pub. L. 95–633.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is provided to the following categories of users for the purposes stated:

(A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes.

(B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.

(C) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(D) Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of or at the request of the individual who is the subject of the record.

(E) Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Essential chemical report documents will be maintained in manual file folders. Information extracted will be maintained on magnetic tape.

RETRIEVABILITY:

The information maintained on magnetic tape will be retrievable by the name of any individual mentioned in the report.

SAFEGUARD:

The proposed system of records will be maintained in DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Manual files will be maintained in the DEA central files and access to these documents will be restricted to DEA employees on a need-to-know basis. Access to information maintained on magnetic tape will require a specific computer program to extract information. Access to information through ADP terminals will require a user identification code which will be issued to authorized DEA employees on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Until DEA gains experience to establish the useful life of the records in this system, the records will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for *Operations*, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addessed to Freedom of Information *Section*, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals required to submit *precursor* reports pursuant to Pub. L. 95–633, and individuals who voluntarily submit reports concerning the sale, distribution or importation of chemicals essential to the manufacture of controlled substances.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–021

SYSTEM NAME:

DEA *Aviation Unit* Reporting System.

SYSTEM LOCATION:

Drug Enforcement Administration (DEA) *Investigative Support Section, Aviation Unit*, DEA/Justice, P.O. Box 534, Addison, Texas 75001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DEA pilots.

CATEGORIES OF RECORDS IN THE SYSTEM.

The system contains: (1) Records relating to the operation and maintenance of DEA aircraft. (2) Records relating to pilot qualifications (CSC Form 671).

This system is maintained to monitor the utilization and maintenance of DEA aircraft and the qualifications of DEA pilots in furtherance of DEA enforcement operations conducted pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Federal Aviation Administration for purposes of aircraft documentation and pilot certification.

(2) Department of Defense for communication purposes.

(3) United States Coast Guard for communication purposes.

(4) Communications relay services under contract with DEA for communications purposes.

(5) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(6) Release of information to Members of Congress. Information contained in the systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the

indivdual who is the subject of the record.

(7) Release of Information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

THE AUTOMATED PORTIONS OF THE RECORDS IS MAINTAINED ON AN ADP DISK STORAGE DEVICE. DOCUMENTARY RECORDS ARE MAINTAINED IN MANUAL FILE FOLDERS.

RETRIEVABILITY

Information relating to individuals in the system is retrieved by pilot name or identifying number assigned by DEA.

SAFEGUARDS:

Access to the system is restricted to DEA personnel on a need-to-know basis. The records are maintained in a secure room at the Addison Aviation Facility in accordance with DEA security procedures and are protected by an electronic alarm system.

RETENTION AND DISPOSAL:

The automated records are maintained for five years and then purged from the data base. Manual records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, *Investigative Support Section,* Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the Freedom of Information Section, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the system is obtained from reports submitted by DEA pilots.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

JUSTICE/DEA–023

SYSTEM NAME:

Clerical, Technical and Professional (CTAP) Program Files.

SYSTEM LOCATION:

Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537 and field offices (see Appendix #1 for addresses).[1]

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clerical, technical and professional employees (GS/1–12) of DEA who volunteer to participate in the CTAP program.

CATEGORIES OF RECORDS IN THE SYSTEMS:

Biographic, educational and career development records of CTAP employees, interview and evaluation forms concerning CTAP employees and individual career development plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

OMB Circular No. A–48 (September 23, 1971), Federal Personnel Manual, Chapter 410.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to DEA counselors and supervisors to develop and plan individualized career development programs for DEA employees.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2, may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a prticular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests that information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in the system are maintained in manual file folders and on ADP equipment.

RETRIEVABILITY:

Records will be retrieved by employee name.

SAFEGUARDS:

The records in the system will be maintained in facilities which meet DEA security requirements. Access to the system will be restricted to DEA employees on a need-to-know basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Office of Administration, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section,* Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

DEA employees, CTAP Counselors, DEA personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA–A027

System name:

DEA Employee Profile System (DEPS)

System location: Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

Categories of individuals covered by the system:

DEA employees.

Categories of records in the system:

The following eight categories of information will be maintained in the system:

1. Personal identification
2. Work experience
3. Language & geographical areas
4. Formal education
5. Special skills
6. Record of training
7. Consideration for vacancies

8. Awards

Authority for maintenance of the system:
1This system is maintained to effectively place and assign employees to positions to further the mandates of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records will be used principally by the Personnel Management Division. Selected data will be forwarded by this personnel section to the Career Development Board and operational units throughout DEA for the purpose of:

1. Identifying employees with particular skills or qualifications for assignment to special projects.
2. Identification of candidates for overseas assignments who have specific language skills.
3. Insuring that the Career Development Board will be reviewing the entirety of an applicant's background.
4. Calculating DEA's human resources on hand and to project more accurately future resource needs and capabilities.

Information from this system will not be disseminated outside of DEA.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records will be maintained on magnetic tape and a disk storage device.

RETRIEVABILITY:

The information in this system can be retrieved by the individual's name, special skills information, special knowledge information or by some combination of the above information.

SAFEGUARDS:

The records of the system will be maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those transacting business within the building who are escorted by DEA employees. In addition, the area where the tapes and disks are stored is a secured area and access is restricted to those employees who have business in the area and those non-DEA people who are transacting business within the area and escorted by a DEA employee. Inquiries to the system are only made by the written request of the Chief, Personnel Management Division.

RETENTION AND DISPOSAL:

Records in this system are retained as long as the individual is employed by DEA.

SYSTEM MANAGER(S) AND ADDRESS

Deputy Assistant Administrator, Office of Administration, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information *Section*, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., 20537. Inquiries should include inquirer's name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures

RECORD SOURCE CATEGORIES:

1. DEA employee
2. Servicing personnel Office
3. The Justice Uniform Personnel System (Juniper)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DEA-INS-111

SYSTEM NAME:

Automated Intelligence Records System (Pathfinder)

SYSTEM LOCATION:

U.S. Department of Justice, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and El Paso Intelligence Center (EPIC), El Paso, Texas 79902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Those individuals who are known, suspected, or alleged to be involved in (a) narcotic trafficking, (b) narcotic-arms trafficking, (c) alien smuggling or transporting, (d) illegally procuring, using, selling, counterfeiting, reproducing, or altering identification documents relating to status under the immigration and nationality laws, (e) terrorist activities (narcotic, arms or alien trafficking/smuggling related), (f) crewman desertions and stowaways, and (g) arranging or contracting a marriage to defraud the immigration laws; (2) In addition to the categories of individuals listed above, those individuals who (a) have had citizenship or alien identification documents put to fraudulent use or have reported them as lost or stolen, (b) arrive in the United States from a foreign territory by private aircraft, and (c) are informants or witnesses (including non-implicated persons) who have pertinent knowledge of some circumstances or aspect of a case or suspect may be the subject of a file within this system; and (3) In the course of criminal investigation and intelligence gathering, DEA and INS may detect violation of non-drug or non-alien related laws. In the interests of effective law enforcement, this information is retained in order to establish patterns of criminal activity and to assist other law enforcement agencies that are charged with enforcing other segments of criminal law. Therefore, under certain limited circumstances, individuals known, suspected, or alleged to be involved in non-narcotic or non-alien criminal activity may be the subject of a file maintained within this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

In general, this system contains computerized and manual intelligence information gathered from DEA and INS investigative records and reports. Specifically, intelligence information is gathered and collated from the following DEA and INS records and reports: (1) DEA Reports of Investigation (DEA-6), (2) DEA and INS Intelligence Reports, (3) INS Air Detail Office Index (I-92A), (4) INS Anti-Smuggling Indices (G-170), (5) INS Marine Intelligence Index, (6) INS Fraudulent Document Center Index, (7) INS Terrorist Index, and (8) INS Reports of Investigation and Apprehension (I-44, I-213, G-166). In addition, data is obtained from commercially available flight plan information concerning individuals known, suspected or alleged to be involved in criminal smuggling activities using private aircraft.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system has been established in order for DEA and INS to carry out their law enforcement, regulatory, and intelligence functions mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), Reorganization Plan No. 2 of 1973, the Single Convention on Narcotic Drugs, (18 UST 1407), and Sections 103, 265, and 290 and Title III of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1305, 1360, 1401 et seq.). Additional authority is derived from Treaties, Statutes, Executive Orders and

Presidential Proclamations which DEA and INS have been charged with administering.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system will be used to produce association and link analysis reports and such special reports as required by intelligence analysts of DEA and INS. The system will also be used to provide "real-time" responses to queries from Federal, state, and local agencies charged with border law enforcement responsibilities.

Information from this system will be provided to the following categories of users for law enforcement and intelligence purposes provided a legitimate and lawful "need to know" is demonstrated: (a) Other Federal law enforcement agencies, (b) state and local law enforcement agencies, (c) foreign law enforcement agencies with whom DEA and INS maintain liaison, (d) U.S. intelligence and military intelligence agencies involved in border criminal law enforcement, (e) clerks and judges of courts exercising appropriate jurisdiction over subject matter maintained within this system, and *(f) Department of State; (g) various Federal, State, and local law enforcement committees and working groups including Congress and senior Administration officials; (h) The Department of Defense and military departments; (i) The United Nations; (j) The International Police Organization (Interpol); (k) to individuals and organizations in the course of investigations to elicit information; (1) to the Office of Management and Budget, upon request, in order to justify the allocation of resources; (m) to respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rulemaking, or other hearing held pursuant to the Controlled Substances Act of 1970; and (n)* in the event there is an indication of a violation or potential violation of law whether civil, criminal, regulatory, or administrative in nature, the relevant information may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulations, or order issued pursuant thereto.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual subsets of the Pathfinder Information System are maintained on standard index cards and manual folders. Standard security formats are employed. The automated Pathfinder Information System is stored on digital computers in the Drug Enforcement Administration Office of Intelligence Secured Computer facilities located at DEA Headquarters and El Paso, Texas.

RETRIEVABILITY:

Access to individual records can be accomplished by reference to either the manual indices or the automated information system. Access is achieved by reference to personal identifiers, other data elements or any combination thereof.

SAFEGUARDS:

The Pathfinder System of Records is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to intelligence information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

Physical security when intelligence files are attended is provided by responsible DEA and INS employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification as appropriate, of the files, and the extent of security guard and/or surveillance afforded by electronic means.

Protection of the automated information system is provided by physical, procedural, and electronic means. The master file resides in the DEA Office of Intelligence Secured Computer System and is physically attended or safe-guarded on a full time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex authentication procedure. The procedure is provided only to authorized DEA and INS employees. Transmission from DEA Headquarters to El Paso, Texas is accomplished via a dedicated secured line.

An automated log of queries is maintained for each terminal. Improper procedure results in no access and under certain conditions completely locks out the terminal pending restoration by the master controller at DEA Headquarters after appropriate verification. Unattended terminals are otherwise located in locked facilities after normal working hours.

The dissemination of intelligence information to an individual outside the Department of Justice is made in accordance with the routine uses as described herein and otherwise in accordance with conditions of disclosure prescribed in the Privacy Act. The need to know is determined in both cases by DEA and INS as a prerequisite to the release of information.

RETENTION AND DISPOSAL:

Records maintained within this system are retained for fifty-five (55) years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and Associate Commissioner, Management, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Freedom of Information Section, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Commercially available flight plan information source; Confidential informants; DEA intelligence and investigative records/reports; INS investigative, intelligence and statutory mandated records/reports; records and reports of other Federal, state and local agencies; and reports and records of foreign agencies with whom DEA maintains liaison.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(g), (H) and (I), (e)(5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C.

552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DEA—999

DEA Appendix 1—List of record location addresses. Copies of all or part of any system of records published by the Drug Enforcement Administration pursuant to 5 U.S.C. 552a may be maintained at the DEA field offices listed below. However, procedures for processing inquiries concerning DEA systems of records have been centralized in DEA Headquarters. Inquiries concerning all DEA systems of records should be addressed to:

Freedom of Information Section

Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

Drug Enforcement Administration Field Offices

Region 1

Boston Regional Office, JFK Federal Building, Room G–64, Boston, Massachusetts 02203.
Portland District Office, U.S. Courthouse Building, 156 Federal Street, P.O. Box 451, Portland, Maine 04111.
Burlington District Office, P.O. Box 327, Essex Junction, Vermont 05452.
Concord District Office, Federal Building & Post Office, 55 Pleasant Street, P.O. Box 1314, Concord, New Hampshire 03301.
Providence District Office, Post Office & Federal Building, Room 232, Exchange Terrace, Providence, Rhode Island 02903.
Hartford District Office, 450 Maine Street, Room 628–E, Hartford, Connecticut 06103.

Region 2

New York Regional Office, 555 West 57th Street, New York, New York 14202.
Buffalo District Office, 268 Main Street, Suite 300, Buffalo, New York 14202.
Long Island District Office, 2 Huntington Quadrangle, Melville, New York 11746.
Montreal District Office, P.O. Box 65, Postal Station, Disjardins, Consulate General of the U.S.A., Montreal, Quebec, Canada HSB 161.
Rouses Point District Office, P.O. Box 38, Rouses Point, New York 12979.
Albany District Office, Leo W. O'Brien Federal Building, Clinton Avenue & Pear Street, Room 746, Albany, New York 12207.
JFK Airport District Office, P.O. Box 361, JFK Airport Station, Jamaica, New York 11430.
Toronto District Office, U.S. Consulate General, 360 University Avenue, Toronto, Canada M5G 154
Newark District Office, Federal Office Building, 970 Broad Street, Newark, New Jersey 07101
New York DEA Drug Task Force, 555 West 57 Street, Suite 1700, New York, New York 10019

Region 3

Philadelphia Regional Office, William J. Green Federal Building, 600 Arch Street, Room 10224, Philadelphia, Pennsylvania 19106
Pittsburgh District Office, Federal Building, 1000 Liberty Avenue, Room 2306, Pittsburgh, Pennsylvania 15222
Wilmington District Office, Courthouse, Customs House & Federal Office Building, 844 King Street, Room 5305, Wilmington, Delaware 19801
Baltimore District Office, 955 Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201
Charleston District Office, 22 Capital Street P. O. Box 1146, Charleston, West Virginia 25324
Greensboro District Office, 925 West Market Street, Room 111, Greensboro, North Carolina 27401
Norfolk District Office, 870 North Military Highway, Suite 301, Norfolk, Virginia 23502
Washington District Office, 400 Sixth Street SW., Room 2558, Washington, D.C. 20024
Wilmington District Office, 3909–D Oleander Drive, Lambe Young Building, Wilmington, North Carolina 28401

Region 5

Miami Regional Office, 8400 N.W. 53rd Street, Miami, Florida 33166
Atlanta District Office, United Family Life Building, 230 Houston Street, NW., Suite 200, Atlanta Georgia 30303
Charleston District Office, 334 Meeting Street, Room 630, Charleston, South Carolina 29403
Columbia District Office, 2611 Forest Drive, P.O. Box 702, Columbia, South Carolina 29202
Jacksonville District Office, 4077 Woodcock Drive, Suite 210, Jacksonville, Florida 32207
Orlando District Office, 235 Whooping Loop, Altomonte Springs, Florida 32701
San Juan District Office, Housing Investment Building, Suite 154, 416 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00919
Savannah District Office, 430 Mall Boulevard, Suite C, Savannah, Georgia 31406
Tampa District Office, 700 Twiggs Street, Suite 400, Tampa, Florida 33602
West Palm Beach District Office, 701 Clematis Street, Room 253, West Palm Beach, Florida 33402
Kingston District Office, DEA/Justice, U.S. Embassy, Kingston, Jamaica, c/o Dept. of State, Washington, D.C. 20502

Region 6

Detroit Regional Office, 357 Federal Building, 231 West Lafayette, Detroit, Michigan 48226
Cleveland District Office, 601 Rockwell, Room 300, Cleveland, Ohio 44114
Cincinnati District Office, Federal Office Building, 550 Main Street, P.O. Box 1196, Cincinnati, Ohio 45201
Columbus District Office, Federal Office Building, 85 Marconi Boulevard, Room 120, Columbus, Ohio 43215
Grand Rapids District Office, 310 Federal Building, U.S. Courthouse, 110 Michigan NW., Grand Rapids, Michigan 49502

Region 7

Chicago Regional Office, 1800 Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604
Indianapolis District Office, 575 N. Pennsylvania, Room 267, Indianapolis, Indiana 46204
Milwaukee District Office, Federal Building & U.S. Courthouse, 517 East Wisconsin, Room 232, Milwaukee, Wisconsin 53202
Springfield District Office, 2nd Floor, Edwards Building, 528 S. 5th Street, Springfield, Illinois 62701
Hammond District Office, Federal Building, 507 State Street, Room 407 Hammond, Indiana 46302

Region 8

New Orleans Regional Office, 1001 Howard Avenue, Suite 1800, New Orleans, Louisiana 70113
Birmingham District Office, 236 Goodwin Crest, Suite 520, Birmingham, Alabama 35209
Little Rock District Office, One Union National Plaza, Suite 850, Little Rock, Arkansas 72201
Shreveport District Office, 500 Fanin Street, Federal Building, U.S. Courthouse, Room 8A20, P.O. Box 105, Shreveport, Louisiana 71102
Jackson District Office, First Federal Building, 525 East Capitol Street, P.O. Box 22631, Jackson, Mississippi 39205
Nashville District Office, U.S. Courthouse Annex, Room 929, 8th & Broadway, P.O. Box 1189, Nashville, Tennessee 37202
Memphis District Office, Federal Building, 167 North Main Street, Room 401, Memphis, Tennessee 38103

Baton Rouge District Office, 4506 North Boulevard, Suite 118, Baton Rouge, Louisiana 70806
Mobile District Office, 2 Office Park, Suite 216, Mobile, Alabama 36609

Region 10

Kansas City Regional Office, 1150 Grand Avenue, Suite 400, Kansas City, Missouri 64106
Des Moines District Office, U.S. Courthouse, P.O. Box 1784, Des Moines, Iowa 50309
Duluth District Office, Federal Building, U.S. Courthouse, 515 West First Street, P.O. Box 620, Duluth, Minnesota 55801
Minneapolis District Office, Federal Building, 110 South Fourth Street, Room 402, Minneapolis, Minnesota 55401
Omaha District Office, New Federal Building, 215 North 17th Street, P.O. Box 661, Downtown Station, Omaha, Nebraska 68101
Fargo District Office, 657 2nd Avenue, Room 225, Fargo, North Dakota 58102
Sioux Falls District Office, 400 S. Philips, Room 309, Sioux Falls, South Dakota 57102
St. Louis District Office, Suite 300, Chromalay Plaza, 120 S. Central Avenue, St. Louis, Missouri 63105
Wichita District Office, 202 West First Street, Room 505, Wichita, Kansas 67201

Region 11

Dallas Regional Office: 1880 Regal Row, Dallas, Texas 75235
Brownsville District Office, 2100 Boca Chica Boulevard, Suite 305, Brownsville, Texas 78520
Corpus Christi District Office, 723 Upper N. Broadway, P.O. Box 2443, Corpus Christi, Texas 78403
Del Rio District Office, 3605 Highway 90, West, P.O. Drawer 1247, Del Rio, Texas 78840
Eagle Pass District Office, 342 Rio Grande Street, Room 102, Eagle Pass, Texas 78852
El Paso District Office, 4110 Rio Bravo, Suite 100, El Paso, Texas 79902
Houston District Office, 1540 Esperson Building, 815 Walker Street, Houston, Texas 77002
Laredo District Office, P.O. Drawer 2307, Laredo, Texas 78041
Midland District Office, 100 East Wall Street, P.O. Drawer 2668, Midland, Texas 79701
McAllen District Office, 3017 N. 10th Street, P.O. Box 338, McAllen, Texas 78501
Oklahoma City District Office, Old Federal Building, 215 N.W. 3rd Street, Room 250, Oklahoma City, Oklahoma 73102
San Antonio District Office, 4th Floor, 1800 Central Building, 1802 N.E. Loop 410, San Antonio, Texas 78217
Tulsa District Office, 333 W. 4th Street, Room 3335, Tulsa, Oklahoma 74103
Austin District Office, 55 N. Interregional Highway, P.O. Box 8, Austin, Texas 78767
Lubbock District Office, 3302 67th Street, Building No. 2, Lubbock, Texas 79413

Region 12

Denver Regional Office, U.S. Customs House, Room 336, P.O. Box 1860, Denver, Colorado 80201
Cheyenne District Office, Federal Center, 2120 Capitol Avenue, Room 8020, Cheyenne, Wyoming 82001
Albuquerque District Office, First National Bank Building East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108
Las Cruces District Office, P.O. Box 399, Las Cruces, New Mexico 88001
Phoenix District Office, Valley Bank Center, Suite 1980, 201 North Central, Phoenix, Arizona 85073
Tucson District Office, Tucson International Airport, P.O. Box 27063, Tucson, Arizona 85726
San Luis District Office, P.O. Box 445, San Luis, Arizona 85349
Nogales District Office, P.O. Box 39, Mile Post 4½, U.S. Highway 89, Nogales, Arizona 85621
Douglas District Office, 2130 15th Street, P.O. Drawer 1119, Douglas, Arizona 85607
Salt Lake City District Office, Federal Building, 125 South State Street, Room 2218, Salt Lake City, Utah 84138

Region 13

Seattle Regional Office, 221 1st Avenue West, Suite 200, Seattle, Washington 98119
Anchorage District Office, Loussac-Sogn Building, 429 D Street, Room 306, Anchorage, Alaska 99501
Blaine District Office, 170 C Street, P.O. Box 1680, Blaine, Washington 98230
Eugene District Office, Federal Building, 211 East 7th Avenue, Room 230, Eugene, Oregon 97401
Boise District Office, American Reserve Building, 2404 Bank Drive, Suite 212, Boise, Idaho 83705
Great Falls District Office, 1111 14th Street South, P.O. Box 2887, Great Falls, Montana 59403
Portland District Office, Terminal Sales Building, Suite 706, 1220 S.W. Morrison, Portland, Oregon 92705
Spokane District Office, U.S. Courthouse, 920 W. Riverside, P.O. Box 1504, Spokane, Washington 95210
Vancouver, B.C. District Office, DEA/Justice, American Consulate General, 1199 West Hastings Street, Vancouver, B.C., Canada V6E2Y4

Region 14

Los Angeles Regional Office, 350 South Giguero Street, Suite 800, Los Angeles, California 90017
San Francisco District Office, Federal Building, Room 12425, San Francisco, California 94102
San Diego District Office, 402 West 35th Street, National City, California 92050
Calexico District Office, 640 C Imperial Avenue, P.O. Box 728, Calexico, California 92231
Las Vegas District Office, Federal Building and U.S. Courthouse, 300 Los Vegas Boulevard South, P.O. Box 16023, Las Vegas, Nevada 89101
Fresno District Office, 2110 Merced Street, Room 203, Fresno, California 93721
Honolulu District Office, 300 Ala Moana Boulevard, Honolulu, Hawaii 96815
Tecate District Office, Port of Entry-Tecate, P.O. Box 67, Tecate, California 92080
Sacramento District Office, P.O. Box 255097, Sacramento, California 95825
Guam District Office, P.O. Box 2137, Agana, Guam 96910

Region 15

Mexico City Regional Office, DEA/Justice, American Embassy, Apartado Postal 88 Bis, Mexico 1, D.F., Mexico
Guadalajara District Office, DEA/Justice, American Consulate General, Apartado Postal 1—1 Bis, Guadalajara, Jalisco, Mexico
Hermosillo District Office, DEA/Justice, American Consulate General, Apartado Postal 972, Hermosillo, Sonora, Mexico
Mazatlan District Office, DEA/Justice, American Consulate, Apartado Postal 321, Mazatlan, Sinaloa, Mexico
Merida District Office, SAIC Department of State, Washington, D.C. 20521
Monterrey District Office, DEA/Justice, c/o Department of State, Washington, D.C. 20521
San Jose District Office, DEA/Justice, American Embassy, APO N.Y., N.Y. 09883
Guatemala District Office, American Embassy, APO N.Y., N.Y. 09891

Region 16

Bankok Regional Office, Drug Enforcement Administration, American Embassy, APO San Francisco, California 96346
Chiang Mai District Office, Drug Enforcement Administration, Box C, APO San Francisco 96348
Hong Kong District Office, DEA/Justice, American Consulate General, Box 30, FPO San Francisco, California 96659

Kuala Lumpur District Office, DEA/Justice, Department of State, Kuala Lumpur, Washington, D.C. 20520
Vientiane District Office, DEA/Justice, APO San Francisco, California 96352
Singapore District Office, DEA/Justice, FPO San Francisco, California 96699
DEA/Justice, APO San Francisco, California 96243
Songkhla District Office, DEA/Justice, American Consulate, APO San Francisco, California 96346
Manila District Office, DEA/Justice, American Embassy, APO San Francisco, California 96528
Jakarta District Office, DEA/Justice, American Embassy, APO San Francisco, California 96356
Taipei District Office, DEA/Justice, American Embassy, APO San Francisco, California 96263
Sukiran/Okinawa District Office, DEA/Justice, P.O. Box 792, APO San Francisco, California 96331
Tokyo District Office, DEA/Justice, American Embassy, APO San Francisco, California 96503
Seoul District Office, DEA/Justice ext. 4260, American Embassy, APO San Francisco, California 96301

Region 17

Paris Regional Office, DEA/Justice, American Embassy, APO New York, New York 09777
Marseilles District Office, DEA/Justice, American Embassy (m), APO New York, New York 09777
Vienna District Office, DEA/Justice, American Embassy Vienna, Department of State, Washington, D.C. 20520
Brussels District Office, DEA/Justice, American Embassy, APO New York, New York 09667
London District Office, DEA/Justice, American Embassy, Box 40, FPO New York, New York 09510
Ankara District Office, DEA/Justice, American Embassy, APO New York, New York 09254
Istanbul District Office, DEA/Justice, American Consulate General, APO New York, New York 09224
Izmir District Office, DEA/Justice, American Consulate General, APO New York, New York 09224
Beirut District Office, DEA/Justice, Department of State Pouch Mail, Washington, D.C. 20520
Kabul District Office, DEA/Kabul, Department of State Pouch Mail, Washington, D.C. 20520
Tehran District Office, DEA/Justice, American Embassy, Box 2000, APO New York, New York 09205
Islamabad District Office, DEA/Islamabad, Department of State Pouch Mail, Washington, D.C. 20520
New Delhi District Office, DEA/Delhi, Department of State Pouch Mail, Washington, D.C. 20520
Karachi District Office, DEA/Karachi, Department of State Pouch Mail, Washington, D.C. 20520
Bonn District Office, DEA/Justice, American Embassy, Box 290, APO New York 09080
Frankfurt District Office, DEA/Justice, American Consulate General, APO New York, New York 09757
Nice District Office, DEA/Justice, American Embassy, (N) APO New York, New York 09777
Rabat District Office, DEA/Justice, U.S. Embassy, B.P. 120, Rabat, Morocco
Cairo District Office, DEA/Justice, American Embassy, Cairo, Egypt
Hamburg District Office, DEA/Justice, American Consulate General, Box 2, APO New York, New York 09069
Munich District Office, DEA/Justice, American Consultate General, APO New York, New York 09180
Rome District Office, DEA/Justice, Consulta 301, APO New York, New York 09794
Copenhagen District Office, DEA/Justice, American Embassy, APO New York, New York 09170
Milan District Office, DEA/Justice, American Consulate General, APO New York, New York 09698
The Hague District Office, DEA/Justice, American Consulate General, APO New York, New York 09159
Madrid District Office, DEA/Justice, American Embassy, APO New York, New York 09285
Barcelona District Office, DEA/Justice, American Consulate General, APO New York, New York 09285
South American Region, Caracas District Office, DEA/Justice, American Embassy, APO New York, New York 09893
Buenos Aires District Office, DEA/Justice, American Embassy, APO New York, New York 09871
Ascuncion District Office, DEA/Justice, American Embassy, Ascuncin Paraguay, Department of State Pouch Mail, Washington, D.C. 20520
Bogota District Office, DEA/Justice, American Embassy, APO New York, New York 09676
Brazilia District Office, DEA/Justice, American Embassy, APO New York, New York 09676
Guayaquil District Office, DEA/Justice, U.S. Consulate, Guayaquil, Ecuador, Department of State Pouch Mail, Washington, D.C. 20520
La Paz District Office, DEA/Justice, American Embassy, APO New York, New York 09867
Lima District Office, DEA/Justice, American Embassy, APO New York, New York 09865
Montevideo District Office, DEA/Justice, American Embassy, Montevideo, Uruguay, Department of State Pouch Mail, Washington, D.C. 20520
Panama District Office, DEA/Justice, American Embassy, P.O. Box 2016, Balboa, Canal Zone
Quito District Office, DEA/Justice, American Embassy, Quito, Ecuador, Department of State Pouch Mail, Washington, D.C. 20520
Santiago District Office, DEA/Justice, American Embassy, APO New York, New York 09869
Regional Laboratories, Special Testing & Research Lab, Watergate Research Park, 7704 Old Springhouse Road, McLean, Virginia 22101
Mid Atlantic Regional Lab, 460 New York Avenue, NW., Washington, D.C. 20537
Northeast Regional Lab, 555 West 57th Street, New York, New York 10019
Southeast Regional Lab, 5205 N. W. 84th Avenue, Miami, Florida 33166
North Central Regional Lab, 500 U.S. Customs House, 610 South Canal Street, Chicago, Illinois 60607
South Central Regional Lab, 1114 Commerce Street, Room 1020, Dallas, Texas 75202
Southwest Regional Lab, 410 West 35th Street, National City, California 92050
Western Regional Lab, 450 Golden Gate Avenue, Box 46075, San Francisco, California 92102
Ottawa Office, DEA/Justice, U.S. Embassy, 100 Wellington Street, Ottawa, Ontario, Canada, KIP-STI
Special Project Division, Aircraft Section (Addison, Texas), DEA/Justice, P.O. Box 534
El Paso Intelligence Center, 2211 E. Missouri, Suite 200, El Paso, Texas 79903
Field Offices of Inspection, Northeast Field Office of Internal Security, Suite 208, 222 South Marginal Road, Fort Lee, New Jersey 07024
Western Field Office of Internal, Security, P.O. Box 807, Main Office, Los Angeles, California 90053
South Central Field Office of Internal Security, P.O. Box 907 Addison, Texas 75001
North Central Field Office of Internal Security, 219 S. Dearborn, Room 422, Chicago, Illinois 60604
Southeast Field Office of Internal Security, P.O. Box 660316, Miami Springs, Florida 33166

Mid-Atlantic Field Office of Internal Security, 1325 K Street NW., Washington, D.C. 20537

[FR Doc. 84-19356 Filed 7-23-84; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Employment Standards Administration
Certificate of Medical Necessity
1215-0113; CM-893
On occasion; Annually
Individuals or households; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations
20,000 responses; 6,333 hours; 1 form

Form is used to determine if the miner is entitled to medical treatment benefits, also meets the specific disability standards to qualify for pulmonary rehabilitation, respiratory therapy, or approved durable medical equipment.

Employment Standards Administration
Health Insurance Claim Form
1215-0055; OWCP-1500a and OWCP-1500b
On occasion
Individual or households; State or local governments; Business or other for-profit; Federal agencies or employees; Non-profit institutions; Small business or organizations
903,000 responses; 189,500 hours; 2 forms

This is a standard claim form used by all medical providers except hospitals and pharmacies to request payment for medical services rendered to both FECA and Black Lung Claimants.

Employment Standards Administration
Application For a Certificate to Employ Learners at Subminimum Wages
1215-0012; WH-209
Annually
Businesses or other for-profit; Small businesses or organizations
15 responses; 7.5 hours; 1 form

The information is needed to determine whether employers in certain specified industries should be authorized to pay subminimum wages to learners under the provisions of section 14(a) of the FLSA. The Division uses the information to approve such authority for the respondents.

Employment Standards Administration
Physician Information Form
1215-0114; CM-1101
Other
Individual or households
6,000 responses; 500 hours; 1 form

Form is used to ensure that the provider of medical services to the miner is an approved provider under the Black Lung Benefits Act or that the miner wants DCMWC to provide a list of approved physicians.

Signed at Washington, D.C., this 19th day of July 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84-19504 Filed 7-23-84; 8:45 am]
BILLING CODE 4510-27-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Brown Shoe Co., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not than than August 3, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 3, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 16th day of July 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Brown Shoe Company (workers)	Steelville, MO	7/9/84	7/2/84	TA-W-15,379	Shoe component parts.
Electra Company, Div. of Masco Corp. of IN (workers)	Cumberland, IN	7/9/84	7/3/84	TA-W-15,380	Purchasing, sales, marketing, administrating scanner and repairing cordless telephones.
General Motors Assembly Div. Fremont Plant (workers)	Fremont, CA	6/22/84	6/30/84	TA-W-16,381	Office Workers—task force.
H&A Industries, Inc. (ACTWU)	Xenia, OH	6/28/84	6/5/84	TA-W-15,382	Jute twine.
Hercules, Inc., Coating & Specialty Products Department (Int'nl Chemical Workers of Amer.).	Parlin, NJ	7/11/84	6/24/84	TA-W-15,383	Nitrocellulose.
JBL, Incorporated (company)	Northridge, CA	7/9/84	6/26/84	TA-W-15,384	Home and professionnal loudspeakers.
K.C. Jackson Abrasives, Inc. (USWA)	Glenwillard, PA	7/9/84	7/6/84	TA-W-15,385	Abrasives—grinding belts and wheels for metal polishing.
Pera Fashions, Inc. (company)	Miami, FL	7/9/84	6/27/84	TA-W-15,386	Ladies blouses and tops.
Pfaudler Co., Div. of Sohio (UAW)	Elyria, OH	7/9/84	7/9/84	TA-W-15,387	Glass lined equipment.
Stride Rite Corp. (workers)	Boston, MA	7/9/84	6/28/84	TA-W-15,388	Sperry top siders.

[FR Doc. 84-19501 Filed 7-23-84; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; McQuay, Inc., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period July 9, 1984–July 13, 1984

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survery of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–15,207; McQuay, Inc., Components Div., Milwaukee, WI

TA–W–15,203; Livonne Fashions, Newark, NJ

TA–W–15,112; National Steel Center, Inc., Cedar Street Plant, New Castle, PA

TA–W–15,083; Dyeing and Finishing Unlimited, Hoboken, NJ

TA–W–15,085; Milano Knitting Mill, Hoboken, NJ

TA–W–15,166; Airco Welding Products, Inc., Chester, WV

TA–W–15,224; Warren Tool Corp., Warren Tool Div., Warren, OH

TA–W–15,206; Laura of Dallas, Inc., Dallas, TX

TA–W–15,088; Hartford Corp., Oxford Div., New Brunswick, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–15,247; Pfizer, Inc., MPM Div., Valparaiso Plant, Valparaiso, IN

TA–W–15,291; Scovill, Inc., Apparel Fasteners Div., Victoria, VA

TA–W–15,230; GAF Corp., South Bound Brook, NJ

TA–W–15,182; Goodyear Tire and Rubber Co., Jackson, MI

TA–W–15,152; Autoquip Corp., Guthrie, OK

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–15,242; Dorchester Coal Co., Dorchester #1 Mine, Florence, CO

Aggregate U.S. imports of steam coal are negligible.

TA–W–15,248; Sterling Knitting Mills, Inc., Brooklyn, NY

Aggregate U.S. imports of knit trim are negligible.

TA–W–15,325; Alongi Oldsmobile, Inc., Niagara Falls, NY

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–15,227 and TA–W–15,228; Dynamit Nobel-Harte, Inc., Brooklyn, NY

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–15,270; Ontario Forge Corp., Muncie, IN

A certification was issued covering all workers separated on or after March 14, 1983.

TA–W–15,239; Atlas Minerals, Moab, UT

A certification was issued covering all workers separated on or after February 28, 1983.

TA–W–15,240; Bon Dana Sportswear, Inc., Brooklyn and New York, NY

A certification was issued covering all workers separated on or after February 22, 1983 and before March 1, 1984.

TA–W–15,279; Inland Steel Coal Co., Mine No. 25, Nicktown, PA

A certification was issued covering all workers separated on or after March 14, 1983.

TA–W–15,212; U.S. Steel Corp., Rod & Wire Mills, Fairless Works, Fairless Hills, PA

A certification was issued covering all workers separated on or after February 3, 1983.

TA–W–15,117; Freemar Sportswear Corp., New York, NY

A certification was issued covering all workers separated on or after November 16, 1982 and before January 31, 1984.

TA-W-15,161; The Timken Co., New Philadelphia, OH

A certification was issued covering all workers separated on or after December 28, 1982.

TA-W-15,194; Republic Steel Corp., Union Drawn Div., Beaver Falls, PA

A certification was issued covering all workers separated on or after January 18, 1983.

TA-W-15,286; Foote Mineral Co., New Johnsonville, TN

A certification was issued covering all workers separated on or after March 16, 1983.

TA-W-15,041; Powermatic/Burke, Div. of Houdaille Industries, Inc., Cincinnati, OH

A certification was issued covering all workers separated on or after September 18, 1982.

TA-W-15,174; Union Carbide Corp., Metals Div., Dove Creek, CO

A certification was issued covering all workers separated on or after December 28, 1982.

TA-W-15,123; Clayton Shoe Co., Corning, AR

A certification was issued covering all workers separated on or after November 17, 1982.

TA-W-15,124; Harrisburg Manufacturing Co., Harrisburg, AR

A certification was issued covering all workers separated on or after November 17, 1982.

TA-W-15,148; Northeast Div. of Penobscot Shoe Corp., Pittsfield, ME

A certification was issued covering all workers separated on or after December 6, 1982 and before January 21, 1984.

TA-W-15,195; Bucyrus-Erie Co., Erie, PA

A certification was issued covering all workers separated on or after January 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period July 9, 1984–July 13, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: July 17, 1984.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-19500 Filed 7-23-84; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Alaska State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted, by letter dated November 21, 1983 from Jim Robison, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR 1910.1002, Coal Tar Pitch Volatiles, Interpretation of Term, as published in the **Federal Register** (48 FR 2764) on January 21, 1983; Toxic and Hazardous Substances, namely: 29 CFR 1910.1003, 4-Nitrobiphenyl; 1910.1004, alpha-Napthylamine; 1910.1006, Methyl chloromethyl ether; 1910.1007, 3,3'-Dichlorobenzidine (and its salts); 1910.1008, bis-Chloromethyl ether; 1910.1009, beta-Napthylamine; 1910.1010, Benzidine; 1910.1011, 4-Aminodiphenyl; 1910.1012, Ethyleneimine; 1910.1013, beta-Propiolactone; 1910.1014, 2-Acetylaminofluorene; 1910.1015, 4-Dimethylaminoazobenzene; 1910.1016, N-Nitrosodimethylamine; 1910.1017, Vinyl chloride, as amended by 1910.20, Access to Employee Exposure and Medical Records, as published in the **Federal Register** (45 FR 35212) on May 23, 1980; and the revocation of 29 CFR 1910.1005, 4,4'Methylene bis-(2-chloroanile) as published in the **Federal Register** (41 FR 35184) on August 20, 1976.

These State standards, which are contained in Subchapter 4, Alaska Occupational Safety and Health Code, were promulgated after public notice under authority vested by AS 18.60.020 to Jim Robison, Commissioner, and became effective June 26, 1983.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99802, and the Office of State Programs, Room N-3613, Department of Labor Building, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(e) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons.

1. The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

2. The standards are identical to the Federal standards which were promulgated in accordance with Federal

law, including meeting requirements for public participation.

This decision is effective July 24, 1984.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 23d day of May 1984.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 84–19502 Filed 7–23–84; 8:45 am]

BILLING CODE 4510–26–M

Alaska State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (herinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (herinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan povides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

By letter dated February 27, 1984 from Jim Robinson, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted a State standard amendment comparable to 29 CFR 1910.106 (g)(2) and (g)(3), Flammable and Combustible Liquids, published in the **Federal Register** (47 FR 39164) on September 7, 1982, as a permanent standard amendment.

These State standards, which are contained in Subchapter 1, Alaska Occupational Safety and Health Code, were promulgated by the State on May 27, 1983, after public notice under authority vested in Jim Robison, Commissioner, by AS–18.60.020. The Alaska State Flammable and Combustible Liquids standards amendment became effective on June 26, 1983.

2. Decision

Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard amendment is identical to the Federal standard amendment. The basic State standard continues to be at least as effective as the comparable Federal standard and accordingly should be approved. There are no significant differences.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington, 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and the Office of State Programs, Room N–3613, 200 Constitution Avenue, NW., Washington,D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process of for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 24, 1984.

(Sec 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 17th day of May 1984.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 84–19503 Filed 7–23–84; 8:45 am]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

[Application No. D–5339]

Proposed Exemptions; Standard Oil Co. Retirement Trust

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Retirement Trust for Employees of the Standard Oil Company and Subsidiaries (the Trust) Located in Cleveland, Ohio

Application No. D–5339]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18571, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the contribution to the Trust of certain limited partnership interests (the Limited Partnership Interests) in three venture capital partnerships (the Venture Capital Partnerships) which are presently held by the Standard Oil Company (the Employer), provided: (a) The Limited Partnership Interests are each valued at their fair market value at the time of their contribution, and (b) the Employer's federal tax deduction taken for making the contribution is not greater than the values of the Limited Partnership Interests at the time they are contributed to the Trust.

Summary of Facts and Representations

1. The Employer, collectively with its subsidiaries, is engaged in all phases of the petroleum business primarily in the United States, including the exploration for and production of crude oil and natural gas and the transportation, refining and marketing of crude oil and petroleum products. In addition the Employer is a major producer and marketer of copper, gold, silver brass mill products, blast cleaning equipment, process systems and equipment and glass-lined steel vessels. The Employer also manufactures and markets certain chemical products and products produced from ilmenite. The Employer was incorporated in Ohio in 1870 and has its principal offices in the Midland Building, Cleveland, Ohio.

2. The Employer is a party to a trust agreement dated September 1983 (the Trust Agreement) with Bankers Life Trust Company as trustee (the Trustee) under which a collective commingled trust fund has been established for 52 tax qualified defined benefit pension plans (the Plans). The Plans are sponsored by the Employer for certain of its employees as well as for certain employees of its subsidiaries. As of December 31, 1983, the Trust had total assets of approximately $839 million. As of March 29, 1984, the Trust had approximately 28,000 active participants, 2,100 suspended participants, 12,800 retirees or their beneficiaries who were receiving annuity payment directly from the Trust and 5,700 terminated vested participants.

3. The Employer's Board of Directors has vested in the Senior Vice President—Finance and Control of the Employer, as named fiduciary for all of the Plans (the Named Fiduciary) the authority to make investment decisions for the Trust. Under sections 7.3 and 7.4 of the Trust Agreement, the Named Fiduciary may exercised this authority by directing the Trustee or may appoint one or more investment managers who will direct the Trustee. As of June 1, 1984, the Named Fiduciary had appointments in effect under the Trust for 20 investment managers: 10 equity managers, 5 fixed income managers, 4 real estate managers and 1 venture capital manager. Remaining assets of the Trust are invested by the Trustee, primarily in short-term investments, subject to the Named Fiduciary's right to direct.

4. In accordance with section 7 of the Trust Agreement, Manufacturers Hanover Investment Corporation (MHIC), a wholly-owned subsidiary of Manufacturers Hanover Trust Company (MHTC) and an investment adviser registered under the Investment Advisers Act of 1940, was appointed by the Employer as investment manager on February 14, 1984 with respect to an investment account (the Investment Account) under the Trust for venture capital investments. A subdivision of MHIC, the Venture Capital Group (VCG), currently has $180 million of pension assets under management. Substantially all of this money is invested in limited partnerships, thereby making VCG one of the largest managers of venture capital partnership investments for pension plans.

MHIC is authorized to exercise its discretion to direct and manage investments and to direct the disposition of investments in the Investment Account. More particularly, MHIC through VCG has the authority to select venture capital partnerships, monitor their progress and report periodically on the investments. Compensation for services performed by VCG will be paid solely to MHIC.

5. Other than the investment management arrangement with MHIC, the Employer, MHIC and MHTC have no common officers and directors. However, the Employer does maintain the following commercial relationships with MHTC and certain of its affiliates:

(a) Since April 1983, the Employer has had available from MHTC a $100 million line of credit under which the Employer has made no loans. MHTC also has committed to lend, if requested by the Employer, up to $87.5 million to the Employer as a participant under a $1.25 billion credit agreement between the Employer and 41 commercial banks. This agreement makes available revolving credit until September 1985, with loans then outstanding payable in installments to September 1989. The Employer presently has no loans outstanding from MHTC or its affiliates. The total credit commitments to the Employer of $187.5 million, if completely drawn down by the Employer, would represent approximately .4 percent of the total loans outstanding of MHTC.

(b) Manufacturers Hanover Leasing Corporation (MHLC), a wholly owned subsidiary of Manufacturers Hanover Corporation (which is also the parent of MHTC), is the owner of a partial interest in each of three Jones Act oil tankers which have been financed under three leveraged lease agreements. Each tanker is operated by a corporation independent of both MHTC and/or its affiliates and the Employer, its subsidiaries and/or affiliates. The three tankers are under charter to the Employer by the operators through the years 2002 and 2003. Total payments from the Employer to the tanker operators over the term of the leases will amount to approximately $392 million for the three tankers. MHLC's transactions related to the tankers represent approximately 16.2 percent of MHL's present business in leveraged leases.

(c) MHTC serves as the investment manager with respect to substantially all of the assets of that plan, with

approximately $15.5 million invested collectively in MHIC's diversified stock fund and MHIC's bond fund. These relationships represent respectively less than .1 percent of the assets held by MHTC in trust and less than .2 percent of total employee benefit plan assets managed by MHIC.

6. Sohio Ventures Corporation (Sohio Ventures), a Delaware corporation and a wholly-owned subsidiary of the Employer, was formerly known as Vista Ventures Corporation (Vista). During 1980 and 1981, Vista made capital contributions totaling $5.5 million to the Venture Capital Partnerships consisting of:

(a) *Advent IV (Advent)*, a Massachusetts limited partnership to which Vista made a $2 million capital contribution. Advent has one general partner, TA Associates IV (TA) and 33 limited partners. TA, in turn, has 8 partners, 3 of whom manage the partnership. The operating entity of all the Advent partnerships, TA Associates, is one of the three largest venture capital entities in the United States with committed capital of $450 million. Advent's goals include the investment of the partnership's capital in varying proportions in start-up and emerging companies, established companies and a small business investment company. Advent's investments have primarily focused in the computer hardware, software and medical technology businesses.

(b) *Brentwood Associates III (Brentwood)*, a California limited partnership to which Vista made a $2 million capital contribution. Brentwood has six general partners and 45 limited partners. Brentwood's principal investment objective is to develop private, high-technology companies. To date, Brentwood has invested in 46 companies, almost all of which are in the computer and medical technology industries. In addition, investments have been made in three small venture capital companies providing seed capital and strategic assistance to start-up companies.

Menlo Ventures Partners (Menlo), a California limited partnership to which Vista made a $1.5 million capital contribution. Menlo has five general partners and 21 limited partners. Menlo has invested in 27 companies that are engaged primarily in the computer, semiconductor and data transmission businesses. Menlo's investment objective is to achieve substantial capital gains by investing in small to medium-sized growth companies.

Vista participated as a limited partner in the Venture Capital Partnerships until December 1983. Then, Vista transferred its entire interest in Advent, Brentwood and Menlo to the Employer.

The Employer's commitments in the Venture Capital Partnerships represent, respectively, 3.3 percent, 4 percent and 4.2 percent of the total partnership committed capital interest. In addition, the investment terms of the Employer's partnership interests in Advent, Brentwood and Menlo are expected to end in 1990, 1994 and 1990. To the best knowledge of the Employer, neither the Employer nor any officer, director or other controlling person of the Employer, is related to any general partner or limited partner of the Venture Capital Partnerships or otherwise holds any interest in these partnerships. Moreover, to the best knowledge of the Employer, the general partners of each Venture Capital Partnership are unrelated to the other partnerships and Advent, Brentwood and Menlo are each separately managed.

7. The Employer has determined that it is both desirable and prudent for a small portion of the assets of the Trust to be invested in the Venture Capital Partnerships. Accordingly, the Employer requests an administrative exemption in order to contribute its Limited Partnership Interests to the Trust as an in-kind contribution. Section 2.1 of the Trust Agreement permits the Employer to contribute property other than cash to the Trust if the Trustee considers it acceptable. (The Trustee has agreed to the proposed contribution.) After the transaction is consummated, the Limited Partnership Interests are to become part of the Investment Account and managed by MHIC.

8. With an original cost of $5.5 million, the Limited Partnership Interests were collectively valued at $7,644,605 by MHIC as of December 31, 1983. Individually, MHIC placed the fair market value of Advent at $2,722,587, Brentwood at $2,840,304 and Menlo at $2,081,814 as of that date. MHIC will again value the Partnership Interests at the time they are contributed to the Trust. Assuming no significant change from the December 31, 1983 valuations, the values of the Limited Partnership Interests will represent less than 1 percent of the total Trust assets after the contribution.

MHIC has reviewed the financial statements and other documents pertaining to Advent, Brentwood and Menlo with respect to the underlying assets in each fund held by each Venture Capital Partnership and the general partners of each partnership.[1] MHIC has also reviewed the partnership agreements setting forth the rights of the limited partners in each Venture Capital Partnership.

MHIC finds the proposed transaction to be an acceptable investment for the Trust and protective of the rights of the participants and beneficiaries who derive benefits thereunder. MHIC believes it would be prudent and appropriate for the Trust to have as much as 10 percent of its assets invested in venture capital situations in the prospect of achieving above-average rates of return for the Trust. Since the Limited Partnership Interests will represent approximately 1 percent of the assets of the Trust, MHIC feels this investment level is well within the acceptable range. In addition, MHIC states that investments of the type proposed offer the Trust the opportunity for unique capital appreciation and promote greater diversification of the Trust's assets. Further, MHIC believes the general partners of Advent, Brentwood and Menlos have extensive experience in the field of venture capital and it notes that the early records of these partnerships have been positive.

9. In summary, it is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) Exclusive discretionary authority to manage the Limited Partnership Interests held in the Investment Account has been given to MHIC, which has extensive experience in making venture capital investments; (b) MHIC has preliminarily approved the contribution in kind and it has determined that the Trust's investment in the Limited Partnership Interests will involve less than 1 percent of the Trust's assets and it will provide the Trust with a greater opportunity for investment appreciation and diversification; and (c) the values of the Limited Partnership Interests have been determined by MHIC.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975 (c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other

[1] In this proposed exemption, the Department expresses no opinion as to whether the assets of the Venture Capital Partnerships are Trust assets. To the extent such assets constitute Trust assets, the provisions of Part 4 of Title I of the Act apply to such assets.

provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section4975(c) (2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 19th day of July 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-19498 Filed 7-23-84; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250-OLA-3 and 50-251-OLA-3; Enriched Fuel; ASLBP No. 84-505-08 LA]

Florida Power & Light Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Florida Power and Light Company

Turkey Point Nuclear Generating Plant, Units 3 and 4 Facility Operating License Nos. DPR-31 and DPR-41

This Board is being established pursuant to a notice published by the Commission on June 20, 1984 in the **Federal Register** (49 FR 25350 and 25360) entitled, "Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations." The proposed amendments would revise section 5.2 of the Technical Specifications, to delete the present enrichment restriction of 3.5 weight per cent. The fuel storage specifications, Section 5.4, would be revised to allow storage of fuel with increased enrichment in the existing new fuel storage racks, spent fuel storage racks and increase the K_{eff} (neutron multiplication factor) for the existing new fuel storage racks.

The Board is comprised of the following Administrative Judges:

Robert M. Lazo, Chairman Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 18th day of July, 1984.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 84-19544 Filed 7-23-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

Washington Public Power Supply System; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (The Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21, issued to Washington Public Power Supply System (the licensee), for operation of the WPPSS Nuclear Project No. 2, located in Richland, Washington.

Environmental Assessment

Identification of Proposed Action

This amendment would change the WNP-2 Technical Specification, Special Test Requirement 3.10.5 to allow suspension of containment inerting during the Power Ascension Test Program (PATP) until either the required 100% of rated thermal power trip tests have been completed or the reactor has operated for 120 effective full power days, whichever occurs earlier. This amendment will also be an exemption from the requirement stated in 10 CFR 50.44, paragraph (C)(3)(i) which states: "Effective May 4, 1982 or 6 months after initial criticality, whichever is later, an inerted atmosphere shall be provided for each boiling light-water nuclear power reactor with a Mark I or Mark II type containment."

The Need for the Proposed Action

The proposed change to the Technical Specifications (TS) and an exemption from the regulation is required in order to complete the balance of the power ascension test program (PATP) in accordance with the approved test plan. The approved test plan is based on maintaining the containment in a non-inerted condition until after completing the 100% rated thermal trip test, a condition which normally would be expected to occur within about 120 effective full power days of core burn-up. The licensee elected to achieve initial criticality with the reactor head off whereas other licensees have elected to achieve initial criticality after the reactor head is on, an event which can be expected to occur on the order of two months later in the PATP schedule. Also, the licensee's PATP schedule has not been maintained as originally planned. This has resulted in a simple stretch out of the time required to complete all post criticality PATP tests. These two factors combined, have created the need to extend the period of non-inerted PATP operations beyond the calendar time of six months provided by 10 CFR 50.44.

Environmental Impacts of the Proposed Action

There are no environmental impacts of the proposed action. No changes are being made in the maximum full power days of core burn-up normally expected before inerting is required. In fact to assure this, the maximum expected value of 120 effective full power days is made part of the proposed action. The

purpose of allowing an initial period of non-inerted operations has been and continues to be, to permit ready access to systems and components inside containment during the period of the initial plant power ascension test program. When these tests have been completed, which occurs essentially at the point where the full rated thermal power trip tests of the PATP have been completed, the exemption from 10 CFR 50.44 is no longer applicable. Thus, should a release occur during the extended PATP it would not be greater than any release contemplated during the originally scheduled PATP. Also, there is nothing in the proposed change that would suggest that the probability of release would be increased. Further, the proposed change does not otherwise affect radiological plant effluents, nor any significant occupational exposures. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed amendment. Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action involving this exemption to the regulations was published in the **Federal Register** on June 18, 1984 (49 FR 24957). No request for hearing or petition for leave to intervene was filed following this notice.

With regard to potential non-radiological impacts, the proposed change to the TS involves a system located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since we have concluded that there is no measurable environmental impact associated with the proposed changes to the TS, any alternatives to these changes will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Relating to Operation of WPPSS Nuclear Project No. 2," dated December 1981 and the "Final Environmental Statement Related to the Proposed Hanford Number Two Nuclear Power Plant," dated December 1972.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Findings of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated May 11, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Richland City Library, Swift and Northgate Street, Richland, Washington 00535.

Dated at Bethesda, Maryland, this 19th day of July 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-19543 Filed 7-23-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, 202-632-6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on June 26, 1984 (49 FR 26168). Individual authorities established or revoked under Schedules A, B, or C between June 1, 1984 and June 30, 1984 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedules A and B

No Schedule A or B exceptions were established or revoked during the month of June.

Schedule C

The following exceptions are established:

Department of Agriculture

One Confidential Assistant to the Manager, Federal Crop Insurance Corporation. Effective June 5, 1984.

One Staff Assistant to the Special Assistant to the Secretary. Effective June 25, 1984.

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective June 29, 1984.

Department of Commerce

One Confidential Assistant to the Director, Office of Business Liaison. Effective June 1, 1984.

One Congressional Relations Officer to the Assistant Director for Communications, Bureau of the Census. Effective June 1, 1984.

One Confidential Assistant to the Director, Minority Business Development Agency. Effective June 13, 1984.

One Director of Congressional Affairs, National Telecommunications and Information Administration. Effective June 22, 1984.

One Confidential Assistant to the Director, Minority Business Development Agency. Effective June 22, 1984.

One Congressional Liaison Specialist to the Under Secretary for the International Trade Administration. Effective June 27, 1984.

Department of Defense

One Private Secretary to the Deputy Under Secretary of Defense for Policy. Effective June 20, 1984.

One Staff Assistant to the Deputy Assistant Secretary of Defense (European and NATO Policy). Effective June 20, 1984.

Department of Education

One Staff Assistant to the Secretary's Regional Representative in Denver, Colorado. Effective June 7, 1984.

One Special Assistant to the Director, Intergovernmental Affairs Staff, Office of Intergovernmental and Interagency Affairs. Effective June 8, 1984.

One Staff Assistant to the Secretary's Regional Representative in Boston, Massachusetts. Effective June 22, 1984.

One Personal Assistant to the Assistant Secretary for Postsecondary Education. Effective June 25, 1984.

One Special Assistant to the Administrator for Management Services, Office of the Deputy Under Secretary for Management. Effective June 25, 1984.

One Special Assistant to the Assistant Secretary for Legislation and Public Affairs. Effective June 26, 1984.

One Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs. Effective June 29, 1984.

Department of Energy

One Special Assistant to the Assistant Secretary for Conservation and Renewable Energy. Effective June 15, 1984.

One Staff Assistant to the Secretary of Energy. Effective June 25, 1984.

Department of Health and Human Services

One Confidential Staff Assistant to the Deputy Assistant Secretary for Public Affairs (Public Liaison). Effective June 5, 1984.

One Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs. Effective June 7, 1984.

One Assistant to the Secretary. Effective June 8, 1984.

One Special Assistant to the Assistant Secretary for Public Affairs. Effective June 12, 1984.

One Assistant to the Secretary for Special Programs. Effective June 13, 1984.

One Confidential Assistant to the Executive Secretary. Effective June 29, 1984.

Department of Housing and Urban Development

One Special Assistant to the Secretary. Effective June 11, 1984.

One Executive Assistant to the Assistant Secretary for Policy Development and Research. Effective June 12, 1984.

One Executive Assistant to the Assistant Secretary for Housing/Federal Housing Commissioner. Effective June 20, 1984.

One Special Assistant to the Regional Administrator/Regional Housing Commissioner in San Francisco, California. Effective June 28, 1984.

One Confidential Assistant to the Under Secretary. Effective June 29, 1984.

Department of the Interior

One Special Assistant to the Director, Office of Surface Mining. Effective June 7, 1984.

One Congressional Liaison Officer, Bureau of Mines. Effective June 28, 1984.

Department of Justice

One Staff Assistant to the Deputy Director of Public Affairs. Effective June 8, 1984.

One Special Assistant to the Attorney General. Effective June 13, 1984.

One Deputy Assistant Attorney General to the Assistant Attorney General, Antitrust Division. Effective June 14, 1984.

Department of Labor

One Secretary to the Secretary of Labor. Effective June 6, 1984.

One Special Assistant to the Assistant Secretary for Policy. Effective June 19, 1984.

One Secretary to the Secretary of Labor. Effective June 25, 1984.

Department of State

One Special Assistant to the Ambassador, U.S. Representative, Organization of American States. Effective June 5, 1984.

One Special Assistant to the Deputy Secretary of State. Effective June 7, 1984.

One Congressional Relations Specialist to the Assistant Secretary for the Bureau of International Organization Affairs. Effective June 8, 1984.

One Special Assistant to the Assistant Secretary for the Bureau of East Asian and Pacific Affairs. Effective June 8, 1984.

One Member, Policy Planning Staff. Effective June 22, 1984.

One Special Assistant to the Assistant Secretary for the Bureau of East Asian and Pacific Affairs. Effective June 29, 1984.

One Deputy Assistant Secretary for Interdepartmental Affairs. Effective June 29, 1984.

One Special Assistant to the Assistant Secretary for the Bureau of East Asian and Pacific Affairs. Effective June 29, 1984.

Department of Transportation

One Staff Assistant to the General Counsel. Effective June 13, 1984.

One Special Counsel to the Administrator, Federal Aviation Administration. Effective June 13, 1984.

One Secretary (Stenography) to the Administrator, Research and Special Programs. Effective June 29, 1984.

Department of the Treasury

One Executive Assistant to the Commissioner, U.S. Customs Service. Effective June 11, 1984.

One Executive Assistant to the Associate Commissioner for Congressional and Public Affairs, U.S. Customs Service. Effective June 11, 1984.

ACTION

One Special Assistant to the Executive Officer. Effective June 15, 1984.

Commodity Futures Trading Commission

One Supervisory Public Affairs Specialist to the Chairman. Effective June 29, 1984.

Environmental Protection Agency

One Confidential Assistant to the Deputy Administrator. Effective June 6, 1984.

General Services Administration

One Director of Program Initiatives. Effective June 8, 1984.

International Trade Commission

One Staff Assistant (Legal) to a Commissioner. Effective June 22, 1984.

One Staff Assistant (Legal) to a Commissioner. Effective June 22, 1984.

One Confidential Assistant to a Commissioner. Effective June 27, 1984.

Occupational Safety and Health Review Commission

One Confidential Assistant to a Commissioner. Effective June 1, 1984.

Office of Personnel Management

One Regional Representative of the Director in Denver, Colorado. Effective June 6, 1984.

One Special Assistant to the Associate Director for Workface Effectiveness and Development. Effective June 25, 1984.

Securities and Exchange Commission

One Confidential Assistant to a Commissioner. Effective June 7, 1984.

One Staff Assistant to the Regional Administrator in New York, New York. Effective June 29, 1984.

Selective Service System

One Secretary (Stenography) to the Director. Effective June 26, 1984.

Small Business Administration

One Confidential Assistant to the Associate Administrator for Finance and Investment. Effective June 6, 1984.

One Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs. Effective June 21, 1984.

U.S. Information Agency

One Confidential Assistant to the Associate Director for Broadcasting. Effective June 13, 1984.

United States Tax Court

One Secretary (Confidential Assistant) to a Judge. Effective June 8, 1984.

Dated: July 13, 1984.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 84-19452 Filed 7-23-84; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

Reporting and Recordkeeping Requirements Under OMB Review

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 4505 Street, NW, Washington, D.C. 20549.

Extension

Rule 2a-7 [17 CFR 270.2a-7]

File No. 270-258

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 2a-7 under the Investment Company Act of 1940, which permits money market investment companies to use the penny rounding or amortized cost valuation methods.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

July 18, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19468 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

Reporting and Recordkeeping Requirements Under OMB Review

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 5th Street, NW, Washington, D.C. 20549.

Reinstatement

Rule 17e-1 [17 CFR 270.17e-1]

File No. 270-224

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17e-1 under the Investment Company Act of 1940, which ensures that affiliated brokers receive no greater compensation than would be received in an arms length transaction.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

July 18, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19469 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

Reporting and Recordkeeping Requirements Under OMB Review

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Officer of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, D.C. 20549.

Extension

Form ADV-S [17 CFR 274.3]

File No. 270-43

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1940 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Form ADV-S under the Investment Advisers Act of 1940, which advises the Commission as to (a) whether the adviser is still engaged in the advisory business, and (b) whether the adviser's address is current. Use of form also reminds the adviser to file any required amendments to Form ADV and requires the adviser to furnish to the Commission copies of any disclosure statements, other than Part II of Form ADV, delivered or offered to be delivered pursuant to Rule 204.3.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

Shirley E. Hollis,

Assistant Secretary.

July 18, 1984.

[FR Doc. 84-19470 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21150; SR-Amex-84-14]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 17, 1984.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on May 21, 1984, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to enhance its existing AUTOPER system with an odd-lot feature known as AUTOPER ODD-LOT for the execution of market day orders under 100 shares. The proposed system would process applicable odd-lot orders whether received before or after the market opening. The orders would be automatically accumulated by security and routed to the applicable specialist for display on his AUTOPER touch-screen. The specialist could execute the orders via the touch-screen or remove the orders and execute via standard card input. The system automatically will total daily odd-lot volume for each security and apply odd-lot differntials, if any (as determined by the specialist) to each security. The Amex states that the proposed AUTOPER ODD-LOT will: (i) increase the order handling capability of the Amex's automated execution system, and (ii) provide for more accurate executions and reports of odd-lot orders.

Notice of proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21006, May 31, 1984) and by publication in the **Federal Register** (49 FR 24190, June 12, 1984).[1] No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposal rule change be, and hereby is, approved.

[1] Temporary accelerated approval of the proposed rule change was provided by a Commission release (Securities Exchange Act Release No. 21058, June 15, 1984) and by publication in the **Federal Register** (49 FR 25551, June 21, 1984) to permit implementation of the system enhancements on a limited basis.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary

[FR Doc. 84-19471 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14040; 812-5851]

Metropolitan Life Insurance Co., et al.; Filing of Application for an Order Pursuant To Granting Exemptions.

July 18, 1984.

Notice is hereby given that Metropolitan Life Insurance Company ("Metropolitan") and Metropolitan Life Separate Account E ("Account E"), 1 Madision Avenue New York, New York 10010, a separate account of Metropolitan registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively "Applicants"), filed an application on May 17, 1984 and an amendment thereto on June 26, 1984 for an order pursuant to section 6(c) of the Act granting exemptions from the provisions of sections 12(d)(1), 26(a), and 27(c)(2) of the Act, to the extent necessary to permit transactions described in the application. All interested persons are referred to the application for the complete representations of the Applicants, which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants propose that they be granted an exemption from sections 26(a) and 27(c)(2) to allow as a deduction from the contract value: (1) A daily administrative and mortality and expense risk charge equal on an annual basis to 1.5% of net assets (.75% for mortality and expense risks and .75% for administrative expenses, each component of which is guaranteed not to increase); (2) an annual administrative charge of $15; and (3) a charge for premium taxes at rates imposed by the various states.

Applicants state that they have reviewed publicly available information about comparable annuity products, in light of such products' particular annuity features, and, based on this review, they have concluded that the administrative and mortality and expense risk charge is reasonable in amount in relation to the charges imposed with respect to comparable annuity products issued by other insurance companies and consistent with the protection of investors standard set forth in section 6(c). The charge with respect to administrative expenses does not incorporate any charge for the assumption of distribution expense risks and is not contemplated to include a profit element. In connection with these matters, Metropolitan will maintain at its home office, and make available to the Commission or its staff upon request, records setting forth in detail its analysis, including the products analyzed, the methodology used and results thereof.

Metropolitan acknowledges that its expenses for distributing the Contracts may exceed the amount of revenues generated by its contingent deferred sales charge, and that it expects to make a profit from the charge for mortality and expense risks. Metropolitan states that it will pay the excess distribution expenses out of its surplus. Applicants further represent that they have concluded that the proposed distribution financing arrangement has a reasonable likelihood of benefitting Account E and its participants and that a memorandum setting forth the basis for this representation will be maintained at Metropolitan's home office and will be available to the Commission, or its staff, upon request. Applicants also state that Account E will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan pursuant to Rule 12b-1 to finance distribution expenses.

With respect to (2) above, Applicants assert that the charge is not calculated to include a profit element and is not intended to be greater than the actual cost of services provided by Metropolitan.

Applicants also request exemption from sections 26(a) and 27(c)(2) to the extent necessary to permit Metropolitan to hold assets of Account E under an agreement that does not create a trust and to hold the securities of the Metropolitan Series Fund, Inc. (or any other open-end management company underlying Account E) in open account in lieu of stock certificates. Applicants represent that the assets of Account E will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Finally, Applicants request an exemption from section 12(d)(1) of the Act to the extent necessary to permit each investment division of Account E to invest in separate classes of stock issued by Metropolitan Series Fund, Inc.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 10, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19546 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21151; File No. SR-BSE-84-1]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc.; Trading of Options on Individual Listed Securities and NASDAQ/NMS Tier I Securities

Pursuant to section 9(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 20, 1984, the Boston Stock Exchange, Incorporated ("BSE") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rules would permit the BSE to list individual stock options on both listed and NASDAQ/NMS Tier I Securities (as defined in Rule 11Aa2-1). This proposed rules also provide a regulatory framework for a market for such options. The particulars of the new rules and of the amendments to existing rules are described below.

Section 1. Proposed Section 1 describes the scope of the proposed chapter and sets forth certain definitions of terms relevant to the proposed rule change.

Section 2. Proposed Section 2 specifies the procedures for selecting which stock option contracts are to be traded.

Section 3. Proposed Section 3 establishes that the rights and obligations of holders and writers of option contracts are determine by the Rules of the Options Clearing Corporation ("OCC").

Section 4. Proposed Section 4 sets forth how series of option contracts are to be fixed.

Section 5. Proposed Section 5 establishes position limits of 4,000 contracts where the underlying stock has a trading volume of at least 20 million shares in the previous six months or of 15 million shares and has at least 60 million shares outstanding. If the underlying stock does not meet this criteria, the position limit is fixed at 2,500 contracts.

Section 6. Proposed Section 6 establishes exercise limits for any given five-day period, tied to position limits established in Section 5.

Section 7. Proposed Section 7 requires reporting of aggregate positions of 200 or more contracts.

Sections 8, 9 and 10. Proposed Section 8 requires liquidation of positions in excess of the contract limits of proposed Section 5. Proposed Section 9 empowers the Exchange to prohibit writing transactions and uncovering of covered short positions if there are outstanding and excessive number, or an excessively high percentage, of uncovered short positions. Proposed Section 10 authorizes the Exchange to impose other restrictions on Exchange option transactions deemed advisable for the protection of investors.

Sections 11 and 12. Proposed Sections 11 and 12 empower the Exchange to establish minimum original public sale criteria for options on underlying listed securities and NASDAQ/NMS Tier I securities and for withdrawing its approval of these underlying securities.

Section 13. Proposed Section 13 requires trading rotations following termination of trading halts and suspensions in underlying securities, and at expiration. The Section also provides for halts and suspensions when trading in the underlying security has been halted or suspended in primary market or in the event current quotations are unavailable.

Section 14. Proposed Section 14 requires registration of options principals and establishes an examination procedure for the purpose of demonstrating adequate knowledge of options trading generally, the Rules of the Exchange and the Rules of the Options Clearing Corporation.

Section 15. Proposed Section 15 requires a member organization to approve each customer's accounts prior to acceptance of orders from the customer to purchase or write options contracts.

Section 16. Proposed Section 16 requires each member organization to supervise customer accounts relating to options and to designate a "Compliance Registered Options Principal" within the member organization to assume responsibility for such supervision.

Section 17. Proposed Section 17 requires the member organization to determine that the options investment is suitable fo the customer, given, among other things, his/her knowledge and experience and prior to trading history.

Section 18. Proposed Section 18 requires a member to establish discretionary accounts only upon written customer authorization and to supervise all such accounts.

Section 19. Proposed Section 19 requires that customers receive written confirmation of transactions.

Section 20. Proposed Section 20 requires delivery of a current OCC "Options Disclosure Document" to customers whose accounts have been approved for options trading.

Sections 21 and 22. Proposed Section 21 and 22 preclude a member from accepting orders on behalf of the account of the issuer of the underlying security or accepting or making delivery of unregistered stock.

Sections 23 and 24. Proposed Section 23 requires montly statements be sent to customers and proposed Section 24 requires the member to keep current centralized records of option-related complaints of customers.

Section 25. Proposed Section 25 prohibits a member specialist from participating in proxy contests of a company in which it is registered.

Section 26. Proposed Section 26 prohibits the member specialist from serving on the board of directors of any company in which he is registered.

Section 27. Proposed Section 27 provides that bids and offers for options shall be deemed to be for one option contract unless otherwise stated and shall be expressed in terms of a dollars per share.

Section 28. Proposed Section 28 establishes the minimum fractional change in trading price of an option contract.

Section 29. Proposed Section 29 regulates the acceptance and precedence of bids and offers made for options.

Section 30. Proposed Section 30 provides that the unit of trading in each series of Exchange options shall be established by OCC.

Section 31. Proposed Section 31 obligates the specialist to report on orders left with him.

Section 32. Proposed Section 32 requires a member to attempt to execute a transaction in an option of the Exchange on the Floor of the Exchange before executing it off the exchange.

Section 33. Proposed Section 33 establishes the requirements for registration as a specialist in one or more options and the responsibilities and functions of such a specialist so as to insure that fair and orderly markets are maintained. These responsibilities are similar to those imposed on any equity specialist dealing in a primary market.

Section 34. Proposed Section 34 prescribes qualifications for Competitive Options Traders, regulates their Floor conduct, restricts transactions in which they have an interest and specifies the manner in which they may engage in options trading.

Section 35. Proposed Section 35 establishes minimum financial critieria for Specialists and Competitive Options Traders by requiring each to maintain a minimum cash or liquid position of $25,000, or an amount sufficient to assume a position of five contracts in which such is registered, whichever is greater.

Section 36. Proposed Section 36 requires each Competitive Options Trader and Specialist to report to the Exchange all orders handled and all accounts in which he trades.

Section 37. Proposed Section 37 provides for cabinet trading of options only for closing transactions.

Sections 38, 39 and 40. Proposed Sections 38, 39 and 40 require that each clearing member submit specified trade information relating to each transaction he effects, and be responsible for the clearance of each such compared transaction through OCC.

Sections 41, 42, 43 and 44. Proposed Sections 41, 42, 43 and 44 set forth procedures for Exchange comparison of trade information and generation of lists of compared and uncompared trades. Members are required by these proposed rules to reconcile uncompared trades, report such reconciliations to the Exchange and resubmit trade information for comparison by the Exchange.

Section 45. Proposed Section 45 directs that every clearing member maintain an office at an Exchange-approved location and that an authorized clearing member representative be present at that office for such hours as the Exchange shall determine.

Section 46. Proposed Section 46 prescribes the manner in which unreconciled, uncompared trades at to

be resolved. The rule requires the member representing the purchaser (writer) to enter the Floor and buy (sell) the questioned option contract, unless the uncompared trade is for a firm account.

Sections 47 and 48. Proposed Section 47 offers the writer of an Exchange option transaction the choice, upon the default of a clearing member, of cancelling the transaction or entering into a new transaction and charging any loss to the defaulting clearing members. Proposed Section 48 regulates the treatment of unsecured open positions of suspended members.

Section 49. Proposed Section 49 requires that option contracts be exercised by the clearing member according to the OCC Rules and sets a fixed cut-off time prior to the expiration date of the option contract after which a member organization will not be able to accept exercise instructions.

Section 50. The proposed Section 50 provides that in allocating exercise notices, the member organization shall establish either a "first-in, first-out" or an automated random selection method and maintain sufficient records regarding the allocation procedure for a period of five years.

Section 51. The proposed Section 51 requires that delivery of the underlying stock and payment of the aggregate exercise price by a customer be effected in conformity with the Rules of the Options Clearing Corporation.

Section 52. Proposed Section 52 provides for allocation of the stock transfer tax, if any.

Section 53. Proposed Section 53 establishes standards for communications with customers regarding options and is designed to insure balanced presentation and the prevention of exaggerated or unwarranted claims.

Section 54. Proposed Section 54 prohibits the popularizing of options or the underlying stocks by a specialist in the stock in which he is registered.

Section 55. Proposed Section establishes the days and hours of the Exchange's option market independently of the Exchange's stock and bond market.

Section 56. Proposed Section 56 requires a member or member organization to make available such books, records or information relating to options transactions, as the Exchange may require..

Section 57. Proposed Section 57 requires members or member orgainzations to obtain Exchange approval before establishing telephone communications for purposes of option trading.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, The Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, an Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The general purpose of the proposed rule change is to provide the regulatory framework for a market on the Floor of the Exchange in options on listed securities and NASDAQ/NMS Tier I securities and of the proposed new rules is set forth below on a rule-by-rule basis. The specific purpose of each proposed rule contained in the proposed rule change is desicribed in Item I, above.

(2) *Statutory Basis.* The Proposed rule change relates to section 6(b)(1) of the Act in that it would provide a regulatory framework for a market in security options on the Floor. The Proposed rule change would give the Exchange the capacity to carry out the purposes of the Act, the comply with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange, and to enforce compliance therewith by Exchange members and persons associated with members. Except for the changes necessary to accommodate options trading, the Exchange's existing rules, and hence the same basis and policies underlying those rules, apply to the Exchange's proposed market in options. Thus, the proposed rule change contemplates the application to Exchange trading of options of long-established regulatory principles and techniques which are designed to assure the fairness, orderliness and quality of the Exchange's markets. In addition, the new rules contained in Chapter XXXIII are substantially identical to those of the 900 series of the rule of the American Stock Exchange, the 700 series of the New York Stock Exchange and the 1,000 series of the Philadelphia Stock Exchange and therefore have a common basis with such option rules in the Act and the rules and regulations thereunder. Consequently, the Exchange belives the public interest will be protected and advanced by Exchange trading of options.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Quite the contrary, the Exchange believes that significant benefits will flow to the U.S. economy, to market professionals and to investors from the creation of an additional market for the trading of standardized options on Exchange listed securities and NASDAQ/NMS Tier I securities. The Exchange believes that the proposed rule change will permit the creation of a market designed to prevent fraudulent and manipulative acts and practices, to permit just and equitable principles of trade, to protect investors and the public interest and to provide appropriate disciplinary procedures applicable to its members and persons associated with its members who violate the rules of the Exchange.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments have been solicited or received to date. The Exchange expects to solicit comments on the proposed rule change from Exchange members and member organizations and to incorporate appropriate comments into the proposed rule change by an amendment. In addition, the Exchange is forming an Advisory Committee to assist it in designing and implementing the establishment of its Options Trading Program.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Board of Governors of the BSE has not yet approved the proposed rule. In addition, various forms, reports and questionnaires will be developed and further rule changes may be necessary. The BSE has consented, therefore, to an extension of the time period specified in Section 19(b)(2) of the Act for Commission action on the proposed rule change until thirty-five days after the Exchange has filed one or more amendments setting forth the completion of all action required to be taken by the Exchange under its constitution, certificate of incorporation and rules.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.[1]

For the Division of Market Regulation, pursuant to delegated authority.

Dated: July 18, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19545 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21153; SR-NYSE-84-22]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

July 19, 1984.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on June 12, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to offer a new broad-based index option contract based on an index having twice the value of the NYSE Composite Index. Options on the new, doubled index will trade concurrently with the NYSE's previously-listed option on the NYSE Composite Index ("NYA").

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-21048, June 14, 1984) and by publication in the **Federal Register** (49 FR 25552, June 21, 1984). No comments were received with respect to the proposed rule change.

The composition of the proposed index will be identical to that of the NYSE Composite Index, and the calculation of the proposed index will also be identical except that the index value of the new index will be reached by doubling the value of NYSE Composite Index.[1] Transactions in options on the index will be governed by the exchange's existing rules governing broad-based index options.[2] The NYSE will disseminate and publish the doubled-value index as it currently disseminates and publishes the NYSE Composite Index.[3] All other contract specifications are identical to those applicable to the NYA.[4] For these reasons, the Commission finds that the NYSE proposal raises no issues that have not previously been considered and addressed in the Commission's approval of the NYA and the NYSE's rules governing broad-based index options.[5] For the reasons discussed in those approval orders, the Commission finds that the proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, in that the proposed rule change raises no issues that the Commission has not previously considered and addressed in its approval orders relating to the trading of the NYA contract and the NYSE rules governing broad-based index options. In addition, the proposal was published for comment over twenty-one days ago, and no comments have been received. The Commission finds it unnecessary in these circumstances to withhold approval until the completion of the entire thirty-day approval period specified in section 19(b)(2).[6]

It is therefore ordered, pursuant to Section 19 (b)(2) of the Act, that the above-mentioned proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-19547 Filed 7-23-84; 8:45 am]

BILLING CODE 8010-01-M

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[1] As indicated above, the Exchange has consented to an extension of the time period specified in Section 19(b)(2) of the Act for Commission action on the proposed rule until thirty-five days after the Exchange has filed certain amendments to the proposed rule change. The twenty-one day comment period specified above would, of course, be extended in the event that these amendments require separate notice and comment periods under Section 19(b) of the Act.

[1] The NYSE Composite Index is composed of all stocks (1,518 as of July 17, 1984) listed on the NYSE. The NYSE Composite Index is market-weighted so that the index value is calculated by (1) multiplying the price of one share of stock by the number of shares outstanding for each issuer included in the index; (2) adding those values; and (3) multiplying that sum by a pre-established divisor that reflects the value of the index at a fixed historical point in time. The Commission approved the NYA proposal on November 22, 1982 (Securities Exchange Act Release No. 19264, November 22, 1982; 47 FR 53981).

[2] The Commission gave final approval to the NYSE's rules governing broad-based index options on September 22, 1983. (Securities Exchange Act Release No. 20218, September 22, 1983; 48 FR 44302). In its filing, the NYSE states that the Exchange will require member organizations to treat options on the NYSE Composite Index and options on the proposed doubled-value index as on the same underlying index for the purpose of calculating position and exercise limits and reporting positions under the NYSE Rules 704, 705 and 706.

[3] The NYSE currently disseminates the NYSE Composite Index dynamically as it is updated, and assures that the closing index value is published for each day on which options on the index are traded.

[4] These contract specifications are as follows: an index multiplier of $100; 5 point exercise price intervals; expiration months initially of one, two, three, six and nine months duration, with a designated quarterly expiration cycle of March-June-September-December; and expiration dates on the Saturday after the third Friday of the expiration month. *See* File No. SR-NYSE-83-32, approved in Securities Exchange Act Release No. 20218, September 22, 1983; 48 FR 44302; and File No. SR-NYSE-83-43; approved in Securities Exchange Act Release No. 20330, October 26, 1983; 48 FR 43476.

[5] *See e.g.*, releases cited in notes 1-4 above.

[6] In this connection we also note that we have recently approved an Amex proposal to trade an option on a doubled-value Major Market Index ("XMI"), (Securities Exchange Act Release No. 21141, July 12, 1984). Amex's proposal, unlike the NYSE's would also de-list the existing option on the XMI; nevertheless, both the Amex and NYSE proposals are designed to introduce an option on an index consisting of the doubled-value of an index underlying an existing option.

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennesse Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be

directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2524, FTS 858–2524.

Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Title of Information Collection: Energy Conservation Program Participant Questionnaire.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals or Households.

Small Businesses or Organizations Affected: None.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 19,320.

Estimated Total Annual Burden Hours: 1,085.

Estimated Annual Cost from Appropriated Funds: 0.

Need For and Uses of Information: The objectives of TVA's residential energy conservation programs are to lower consumer's electric bills while reducing TVA's fuel costs and system peak demand, and to implement the programs in a cost-effective, nondiscriminatory manner. This voluntary questionnaire, coupled with program data, will aid in program structuring and ultimately will improve energy utilization.

Dated: July 17, 1984.

John W. Thompson,

Manager, Corporate Services, Senior Agency Official.

[FR Doc. 84-19476 Filed 7-23-84; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Somerset County, NJ

AGENCY: Federal Highway Administration, (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Somerset County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989–2169.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), will be preparing an Environmental Impact Statement on a proposal to construct the Somerset Expressway (IXF–59(100)) in Somerset County, New Jersey. The proposed project would consist of the construction of a four lane expressway or lesser facility between Route 206 in Hillsborough Township to Interstate 287 in Franklin Township, a distance of about nine miles. The purpose of the proposed project is to improve access from fast growing southern Somerset County to the employment areas of northeastern New Jersey; satisfy current and future traffic needs on local roads which are congested and indirect such as Route 514 (Amwell Road), Route 533 (River Road), Elizabeth Avenue, and Davidson Road; and support local planning objectives for existing and proposed industrial development in Hillsborough and Franklin Townships.

Alternatives under consideration include the build alternative along the former I–95 corridor, the build alternative with shifts to avoid environmental and land use constraints, and the no-build. The FHWA and NJDOT will consult with other government agencies on their areas of responsibilities. NJDOT is presently contacting federal, state, and local agencies with a description of the proposed project and inviting those interested agencies with questions or comments to attend project scoping meetings.

Issued on: July 17, 1984.

Lloyd J. Jacobs,

Staff Specialist for the Environment, Trenton, New Jersey.

[FR Doc. 84-19436 Filed 7-23-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Senior Executive Service; Performance Review Board

ACTION: This is a new publication of the Office of the Secretary Performance Review Board (PRB), cancelling the publications of August 2, 1983, Volume 48 FR 35059, and August 22, 1983, Volume 48 FR 38141; in accordance with 5 U.S.C. 4313(c)(4).

Scope: This notice applies to all components within the Office of the Secretary, except the Legal Division.

Purpose: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the appointing authority, who is the Deputy Secretary or his designee.

Composition of PRB: Each session of the Performance Review Board will be attended by the Chairperson or his designee and at least two of the members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the PRB members are as follows:

Terence C. Golden, Chairperson, Assistant Secretary (Administration)
John H. Auten, Director, Office of Financial Analysis
Joseph E. Bishop, Deputy Assistant Secretary (Administration) for Operations
George N. Carlson, Deputy Director, International Taxation Division
Francis X. Cavanaugh, Director, Office of Government Finance and Market Analysis
John E. Chapoton, Assistant Secretary (Tax Policy)
Diane E. Clark, Director, Office of Equal Opportunity Program
William A. Crowell, Deputy Assistant Secretary (Financial Systems)
Thomas C. Dawson, Assistant Secretary (Business and Consumer Affairs)
Carole J. Dineen, Fiscal Assistant Secretary
Millicent A. Feller, Deputy Assistant Secretary (Legislative Affairs)
Jon M. Gaaserud, Senior Policy Advisor (Economic Analysis)
Christopher Hicks, Executive Secretary
Manuel H. Johnson, Jr., Assistant Secretary (Economic Policy)
Arthur D. Kallen, Director, Office of Budget and Program Analysis
John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking)
Margot E. Machol, Executive Assistant to the Under Secretary for Monetary Affairs
David C. Mulford, Assistant Secretary (International Affairs)
Gerald Murphy, Deputy Fiscal Assistant Secretary
Robert W. Rafuse, Jr., Deputy Assistant Secretary (State and Local Finance)
Larry E. Rolufs, Deputy to the Treasurer of the United States

Charles Schotta, Deputy Assistant Secretary (Arabian Peninsula Affairs)
Thym S. Smith, Deputy Assistant Secretary for Public Affairs
Edward T. Stevenson, Deputy Assistant Secretary (Operations)
Bruce E. Thompson, Jr., Assistant Secretary (Legislative Affairs)
John M. Walker, Jr., Assistant Secretary (Enforcement and Operations)
Paul T. Weiss, Director of Personnel
John G. Wilkins, Director, Office of Tax Analysis

FOR FURTHER INFORMATION CONTACT: Charlene J. Robinson, Executive Secretary, PRB, Room 1306, Main Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, D.C. 20220, Telephone: (202) 566–5468.

This notice does not meet the Department's criteria for significant regulations.

Terence C. Golden,

Assistant Secretary (Administration).

[FR Doc. 84–19455 Filed 7–23–84; 8:45 am]

BILLING CODE 4810–25–M

Fiscal Service

Federal Aid to States Report; Notice To Eliminate

AGENCY: Fiscal Service, Treasury.

ACTION: Notice to Eliminate the "Federal Aid to States" Report.

Background

Concurrently, for Fiscal years 1981 and 1982, the Bureau of Government Financial Operations (BGFO) published *Federal Aid to States* (*FAS*) and the Bureau of the Census published *Federal Expenditures by State* (*FES*). The *FAS* was a duplication of the *FES*. However, on Feburary 11, 1982, Senate Joint Resolution 146 authorized the Office of Management and Budget (OMB) to designate an agency to compile, report, and publish annual data on the geographic distribution of Federal funds. As a result, on November 21, 1982, OMB confirmed the selection of the Bureau of the Census as the reporting agency.

Changes in Reporting Procedures

In order to eliminate the present duplication of reporting data, BGFO will no longer publish the *FAS* report. In addition, agencies will no longer submit *FAS* data to BGFO. Effective September 30, 1984 agencies will submit FAS data to the Bureau of the Census for publication in the *"Federal Expenditures by State"*. The current detailed reporting instructions found in the Treasury Fiscal Requirements Manual (TFRM) at I TFRM 2–7000 will be revised in the near future.

FOR FURTHER INFORMATION CONTACT: Williams E. Edwards, Bureau of Government Financial Operations, GAO Building, 441 G Street NW, Room 1747, Washington, D.C. 20226, (202) 566–2651.

For information regarding the FES Report: David Kellerman, Governments Division, Bureau of the Census, Washington, D.C. 20223, (301) 763–5276.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 84–19542 Filed 7–23–84; 8:45 am]

BILLING CODE 4810–35–M

VETERAN ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veteran Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains extensions and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20530, (202) 395–6880.

DATE: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: July 19, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Medicine and Surgery
2. Request for Information re Applicants for Dietetic Intership
3. VA Form Letter 10–282
4. One time only
5. Individuals or households, non-profit institutions
6. 1,860 responses
7. 465 hours
8. Not applicable

1. Department of Veterans Benefits
2. Application for Amounts on Deposit for Deceased Veteran
3. VA Form 21–6898
4. On occasion
5. Individuals or households
6. 700 responses
7. 175 hours
8. Not applicable.

[FR Doc. 84–19487 Filed 7–23–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 143
Tuesday, July 24, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 18, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, July 25, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor, MSHA v. U.S. Steel Mining Co., Docket No. WEVA 82-387. (Issues include whether the administrative law judge erred in concluding that violations of 30 CFR 75.1106-2(c) and 30 CFR § 75.1300 were "significant and substantial" violations.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 84-19573 Filed 7-20-84; 11:55 am]

BILLING CODE 6735-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 19, 1984.

TIME AND DATE: 2:30 a.m., Thursday, July 19, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: 1. Secretary of Labor (MSHA) v. T.P. Mining Co., LAKE 83-97-D.

It was determined by a unanimous vote of Commissioners that a meeting be held on this item and that the meeting be closed. No earlier announcement of the meeting was possible. 5 U.S.C. 552b(e)(1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

Helen O. Mockabee,

Chief Docket Clerk.

[FR Doc. 84-19574 Filed 7-20-84; 2:14 pm]

BILLING CODE 6735-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Week of July 23, 1984 (Revised).

PLACE: Commissioner's Conference Room, 1717 H Street, NW., Washington DC.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, July 23:
- 2:00 p.m.—Discussion of Indian Point Adjudicatory Proceeding (PUBLIC MEETING) (Change of Status)

Tuesday, July 24:
- 2:00 p.m.—Discussion with S. Naymark (Quadrex) (PUBLIC MEETING) (As Announced)

Wednesday, July 25:
- 10:00 a.m.—Discussion of Commission Practice in Granting Exemptions (PUBLIC MEETING) (Moved from July 20)
- 2:00 p.m.—Discussion of Earthquakes and Emergency Planning for Diablo Canyon (CLOSED—Ex. 10) (New Item)

Thursday, July 26:
- 10:00 a.m.—Discussion of Role of the Staff/Ex Parte (PUBLIC MEETING) (As Announced)
- 2:00 p.m.—Discussion of Investigation and Possible Enforcement Action (CLOSED—Ex. 5 & 7) (As Announced)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634-1498

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410

Dated: July 18, 1984.

John C. Hoyle,

Office of the Secretary.

[FR Doc. 84-19508 Filed 7-19-84; 4:31 pm]

BILLING CODE 7590-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of July 30, 1984; Week of August 6, 1984; and Week of August 13, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Week of July 30

Monday, July 30:
- 10:00 a.m.—Status of Pending Investigations on Diablo Canyon (CLOSED—Ex. 5 & 7)
- 2:00 p.m.—Discussion/Possible Vote on Full Power Operating License for Diablo Canyon (PUBLIC MEETING)

Tuesday, July 31:
- 10:00 a.m.—Discussion/Possible Vote on Full Power Operating License for Grand Gulf (PUBLIC MEETING)
- 2:00 p.m.—Industry Views on "Important to Safety" and "Safety Related" (PUBLIC MEETING)

Wednesday, August 1:
- 10:00 a.m.—Briefing on Material False Statements—Policy Options (PUBLIC MEETING)
- 2:00 p.m.—Discussion of Management-Organization and Internal Personnel Matters (CLOSED—Ex. 2 & 6) (Tentative)

Thursday, August 2:
- 10:00 a.m.—Discussion of Indian Point Order (PUBLIC MEETING)
- 3:30 p.m.—Affirmation/Discussion and Vote (PUBLIC MEETING) a. Final Rule—Equipment Qualification

Week of August 6

No Commission meetings scheduled. Affirmation meeting (PUBLIC MEETING)—Thursday, August 9, 3:30 p.m., if needed.

Week of Agust 13

Thursday, August 16:
- 10:00 a.m.—Discussion/Possible Vote on Final Rulemaking on Financial Qualifications (PUBLIC MEETING) (Tentative)
- 2:00 p.m.—Briefing on Steam Generator Generic Requirements (PUBLIC MEETING)
- 3:30 p.m.—Affirmation Meeting (PUBLIC MEETING) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634-1498

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410

John C. Hoyle,

Office of the Secretary.

[FR Doc. 84-19642 Filed 7-20-84; 13:52 pm]

BILLING CODE 7590-01-M

5

POSTAL RATE COMMISSION

TIME AND DATE: Periodic meetings scheduled on short notice during the

business day in the period July 23–August 3, 1984.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The interlocutory matters in Docket No. R84–1, Postal Rate and Fee Changes.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–3880.

Charles L. Clapp,

Secretary.

[FR Doc. 84–19560 Filed 7–20–84; 10:39 am]

BILLING CODE 7715–01–M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 23, 1984, at 450 Fifth Street, NW., Washington, DC.

A closed meeting will be held on Tuesday, July 24, 1984, at 10:00 a.m. An open meeting will be held on Thursday, July 26, 1984, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain stafff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 24, 1984, at 10:00 a.m., will be:

Formal orders of investigation.

Settlement of administrative proceeding of an enforcement nature.

Litigation matter.

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Chapter 11 proceeding.

The subject matter of the open meeting scheduled for Thursday, July 26, 1984, at 2:30 p.m., will be:

1. Consideration of whether to adopt Rules 26a–1 and 26a–2 under the Investment Company Act of 1940 which implement the Commission's authority to prescribe reasonable administrative fees for unit investment trusts, and permit insurance company separate accounts to engage in certain custodianship activities and to make certain deductions from account assets. For further information, please contact Robert E. Plaze at (202) 272–2622.

2. Consideration of whether to publish a concept release requesting public comments concerning possible legislation to: (1) Implement the "waiver by conduct" concept by declaring that the purchase or sale of securities in the U.S. from other countries shall constitute an implied consent to: (i) Disclosure of relevant evidence concerning the transaction; (ii) service upon the U.S. broker-dealer that effected the transaction; and (iii) the exercise of *in personam* jurisdiction by U.S. courts and the Commission; and (2) codify the authority of the courts to impose additional sanctions in subpoena enforcement actions and in discovery conducted in Commission enforcement actions. For further information, please contact Frederick B. Wade at (202) 272–2214.

At times changes in Commission priorites require alterations in the scheduling of meeting items. For Further Information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marianne Keler at (202) 272–2014.

Dated: July 19, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–19507 Filed 7–19–84; 4:31 pm]

BILLING CODE 8010–01–M

7

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 2 p.m. (EDT), Friday, July 20, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

MATTER FOR ACTION:

Personnel Item

Proposed personal services contract with Relocation Realty Service Corporation for the provision of services in connection with relocation of TVA employees.

Unclassified

Settlement with General Electric Company (GE) of (1) claims arising out of cancellation of nuclear steam supply systems and nuclear fuel for Hartsville and Phipps Bend Nuclear Plants, and (2) dispute and lawsuit with GE relating to responsibility for disposal of spent fuel from Brown Ferry Nuclear Plant and escalation on the fuel.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call 615–632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington office, 202–245–0101.

SUPPLEMENTARY INFORMATION:

TVA BOARD ACTION

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of the meeting was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

Dated: July 19, 1984.

Approved:

C.H. Dean, Jr.,

Chairman.

Richard M. Freeman,

Director.

[FR Doc. 84–19592 Filed 7–20–84; 12:39 pm]

BILLING CODE 8120–01–M

Federal Register

Tuesday
July 24, 1984

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 11 and 121

Advanced Simulation Plan; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11 and 121

[Docket No. 22818; Notice No. 84-10]

Advanced Simulation Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a 3-year extension for Phase IIA interim approval for each Phase I simulator listed in any Part 121 operator's approved Interim Simulator Upgrade Plan. Some Part 121 operators have not upgraded their Phase I simulators, and their Phase IIA approvals will expire shortly. The FAA is currently considering rulemaking pertaining to simulator use in airman certification, and this proposal would allow those Part 121 operators to continue to conduct Phase II training and checking in their Phase I simulators until that action is completed.

DATE: Comments must be received on or before August 3, 1984.

ADDRESS: Comments on the proposal are to be marked "Docket No. 22818" and mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22818, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be inspected at Room 916 on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Steve Stieneker, Project Development Branch (AFO-240), Air Transportation Division (AFO-200), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

In view of the imminent expiration of the Phase IIA training and checking option for certain operators, the FAA seeks expedited consideration of this proposal. The potential adverse consequences to some operators that could result from loss of Phase IIA options indicate a need to reduce the comment period to 10 days.

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. 22818." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

The FAA specific standards for advanced airplane simulators that: (1) Allow expanded training, checking, and certification of flight crewmembers in advanced technology flight training simulators; and (2) encourage operators to upgrade their simulators and to perform a higher percentage of training in simulators so that the total scope of flightcrew training is enhanced. These standards were adopted by Amendments 61-69 and 121-161 on June 24, 1980 (45 FR 44176; June 30, 1980).

Those amendments added new §§ 61.157(e), 121.407(c), and Appendix H to Part 121 of the Federal Aviation Regulations (FAR). Those sections of the FAR allow an airman to satisfy certain in-flight requirements of the FAR in an airplane simulator provided that the simulator is approved under § 121.407, meets the appropriate simulator requirements of Appendix H to Part 121, and is used as part of an approved program that meets the training requirements of § 121.424 (a) and (c) and Appendix H to Part 121 of the FAR.

Appendix H, Advanced Simulation Plan (ASP), prescribes criteria and methods for approval of advanced technology airplane simulators for flightcrew training and checking. That plan consists of three major phases (I, II, and III) and an interim phase (IIA) that facilitates the plan's implementation. The three-phase plan provides guidance for a progressive upgrade of flightcrew training simulators. Each phase encompasses the preceding phase so that the final advanced simulation phase includes all the requirements of the preceding phases. The ASP describes the simulator and visual system requirements that must be achieved to obtain approval for certain types of training and checking in the simulator. Appendix H also includes the Advanced Simulation Training Program (ASTP) that prescribes specific instructor, check airman, and flightcrew requirements to ensure the effectiveness of the ASP.

Phase I is the current landing approval program. The training permitted under this phase is currently authorized for fully qualified air carrier pilots by § 121.439 and through FAA exemptions. Phase I is designed to encourage operators to upgrade their older simulators to the greatest extent possible.

Phase II is designed to provide new simulator training capabilities by expanding the ability of the simulator to portray the ground and flight environment and increasing the simulator's responsiveness. In addition to upgrading the simulator, a special 4-hour Line Oriented Flight Training (LOFT) course is required after the appropriate Part 61 or 121 simulator check. This course must be approved by the Administrator and be designed to prepare the flight crewmember for line operations. Under Phase II, transition and upgrade training and checking are accomplished in a simulator. Transition training is the training required for a pilot to move from one airplane to another in the same airplane group, for example, copilot B-727 to copilot B-707. Upgrade training, as it is applied in this rule, is upgrading from copilot to captain. At the completion of a Part 61, Appendix A, check in the simulator, an appropriate airman certificate or an airplane rating, or both, will be issued. Instructors used in these Phase II

training programs, as well as pilots who participate, must be highly experienced. The pilots must be qualified at least as second in command in an airplane in the same group and must meet the requirements of Appendix H before being eligible for Phase II certification.

Under Phase IIA, any Part 121 operator may conduct Phase II training for 3½ years in a simulator approved for the landing maneuver under Phase I, if the operator meets the additional requirements in Appendix H and submits a plan for approval by the Administrator to upgrade its simulator(s) to meet the Phase II standards. This interim program is designed to provide time and economic benefit to an operator to upgrade its simulators while ensuring safety through additional training requirements. Through the upgrading of industry simulators, further training in adverse conditions experienced in the operations will be possible.

Any Part 121 operator who submitted an acceptable simulator upgrade plan to the Administrator before July 30, 1981, may use a Phase I simulator for transition and upgrade training as described in Phase II of the plan. When Phase II simulator requirements are met, the additional training requirements specified in Phase IIA, except the 4 hours of LOFT training discussed above, are removed. Other Part 121 training and operating experience requirements will apply.

Phase IIA interim approval ends for each Phase I simulator listed in the operator's approved plan 3½ years after it is approved for Phase IIA training. Approval of the plan will be withdrawn if any simulator is not upgraded according to the operator's approved simulator upgrade plan. This would result in loss of all Phase IIA training.

Phase III is designed to allow all but static airplane training, the line check, and operational line experience to be conducted in an advanced airplane simulator. At the completion of the final simulator check, the applicant will receive the appropriate certificate or rating. Due to the scope of the training and the possible low experience level of the training candidates, a high degree of simulator fidelity and realism is mandatory. (Applicants must still meet the requirements for an airline transport pilot certificate, including 1,500 hours of pilot flight time, to be eligible for that certificate under this plan.) This phase is also designed to guide research in simulator technology to meet training needs determined from airplane accident investigations. The visual requirements of Phase II must also be represented in daylight, dusk, and night scenes under Phase III. Therefore, night and dusk scenes may not be degraded under Phase III.

The advanced simulation plan outlined in Appendix H applies only to an operator who uses the simulator under an approved Part 121 training program. To conduct total initial, transition, upgrade, or recurrent training in a simulator under the plan, all required simulator instruction and checks must be conducted in a simulator as part of an approved advanced simulation training program. The training program would integrate Phase II and III simulators with other simulators and training devices to maximize the total training, checking, and certification functions. Certificates issued during Phase IIA will contain a limitation which requires the pilot to operate under Part 121 until they have met the line operating experience requirements of Appendix H.

On April 2, 1982, the Air Transport Association (ATA) petitioned for rulemaking to amend the ASP. A summary of that petition was published in the **Federal Register** on May 27, 1982 (47 FR 23174). ATA contends that since issuance of Appendix H—Advanced Simulation Plan in July 1980, the airline industry has had an opportunity to experience the effects of the plan. After careful study and review, ATA contends that certain changes should be made to Appendix H to eliminate what it views as financially burdensome and unproductive requirements. Among other things, ATA's petition proposes to eliminate the 3½-year time limit for Phase IIA. ATA's proposed changes are extensive in scope and will require extensive study on the FAA's part to adequately assess them.

The FAA needs additional time to consider the ATA petition for rulemaking because of the complex issues involved. Accordingly, the FAA proposes that the Interim Simulator Upgrade Plan for Part 121 operators be extended for 3 years to allow the concerned parties adequate time to fully assess the results of simulator studies currently underway.

Description of Regulatory Proposal

The first paragraph of Phase IIA, Appendix H to Part 121, would be amended by removing the number "3½" and inserting the number "6½" in its place. Any Part 121 operator who had submitted its Upgrade Plan to the FAA before July 30, 1981, would be able to conduct Phase II training for 6½ years from the date it was approved for Phase I in a simulator approved for the landing maneuver under Phase I. Paragraph 4.b, Phase IIA, Appendix H to Part 121, would be amended by removing the number "3½" and inserting the number "6½" in its place.

The paragraph in Phase IIA, Appendix H to Part 121, concerning the Phase IIA interim approval for each Phase I simulator would be amended by removing the number "3½" and inserting the number "6½" in its place. Phase IIA interim approval would end for each Phase I simulator listed in the operator's approved plan 6½ years after that simulator is approved for Phase IIA training.

Paperwork Reduction Act Approval

The collection of information requirements contained in this proposal have been submitted to OMB for review. Comments on the requirements should be submitted to the Office of Information and Regulatory Affairs (OMB), New Executive Office Building, Room 3001, Washington, D.C. 30503; Attention: FAA Desk Officer (Telephone: 202–395–7313). A copy should be submitted to the FAA Docket.

Economic Evaluation

Phase IIA is an interim program projected to last 3½ years and provides economic benefits to an operator because the operator does not have an immediate need to upgrade to a Phase II simulator. By extending Phase IIA for 3 years, the economic benefits will continue. ATA stated in its petition that the loss of Phase IIA training and checking would be financially burdensome for some of its member airlines. By extending the current Phase IIA program, the FAA does not anticipate any derogation of safety, and the extension would not impose any additional costs. Clearly, the benefits exceed the costs.

Trade Impact

Because the expected benefits are relatively small compared to the cost structure of the industry, little trade impact is expected. If anything, U.S. airlines should become more competitive since the cost of training would be reduced.

List of Subjects

14 CFR Part 11

Reporting and recordkeeping requirements.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air traffic control, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Beverages, Cargo, Chemicals, Children,

Narcotics, Flammable materials, Handicapped, Hazardous materials, Hours of work, Infants, Liquor, Mail, Drugs, Pilots, Smoking, Transportation, Common carriers.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend the regulations (14 CFR Part 11 and Appendix H to 14 CFR Part 121) as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

1. By amending § 11.101 by adding a new OMB Control Number to the table in paragraph (b), as follows:

§ 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

Part 121—Appendix H	2120-xxxx

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Appendix H—[Amended]

2. By amending Phase IIA of Appendix H to Part 121 by removing the number "3½" wherever it appears and inserting the number "6½" in its place.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 2, 1983); 14 CFR 11.45)

Note. This proposal which extends a temporary rule pertaining to simulator use is relaxatory in nature and reduces an airline's cost. This reduction would be minimal in nature; therefore, it would be insignificant. The rule change involved in this document does not impose any additional burden on any entity. Accordingly, this document involves a proposed regulation which is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons, I certify that under the criteria of the Regulatory Flexibility Act, this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. In addition, I also find that the anticipated impact of this proposal is so minimal that no regulatory evaluation is necessary.

Issued in Washington, D.C., on July 3, 1984.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-19553 Filed 7-23-84; 8:45 am]

BILLING CODE 4910-13-M

federal register

Tuesday
July 24, 1984

Part III

Nuclear Regulatory Commission

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Notice

NUCLEAR REGULATORY COMMISSION

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

I. Background

Pursuant to Pub. L. 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on June 20, 1984 (49 FR 25350) through July 16, 1984.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By August 24, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazard consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is

requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: March 30, 1984, supplemented May 29, 1984

Description of amendments request: The amendments would modify the Technical Specification values for the reload fuel maximum enrichment. The fuel enrichment would increase from 3.5 weight percent to 4.3 weight percent U-235 in specifications 5.3.1 and 5.6.1.2. These specifications describe the allowable reload fuel and describe the existing new fuel storage racks in some detail. The weight percent of U-235 is one of the design details of reload fuel.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The licensee provided a detailed analysis by letter dated May 29, 1984, for the use of fuel with increased U-235 enrichment to be used for future reloads and which would require storage in the existing new fuel storage racks. The example which the licensee stated that the proposed amendment fit is: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

We agree with the licensee's analysis that the proposed change would fit Commission example (vi) stated above. The basic reasons which justify our agreement with the licensee's analysis that the proposal does not involve a significant hazards consideration are twofold:

(1) Each fuel reload requires a specific safety evaluation. The evaluation compares core safety parameters for the new fuel to verify that the new cycle core design meets all safety limits in the Technical Specification and all accidents previously analyzed and does not significantly reduce safety margins.

(2) Our preliminary review of the analysis of the new fuel racks with the enriched fuel installed indicates no significant reduction in safety margin.

For these reasons, the Commission proposes that the changes do not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Arkansas Power and Light Company, Dockets Nos. 50-313 and 50-368, Arkansas Nuclear One, Units Nos. 1 & 2, Pope County, Arkansas

Date of amendment request: September 14, 1983, supplemented January 20, 1984 and May 24, 1984

Description of amendment request: The current Technical Specifications for Arkansas Nuclear One, Units 1 and 2, require sealed sources, except those which are stored and not being used, to be leak tested at intervals not to exceed six months. The proposed amendments to the Technical Specifications would exempt the following six sealed sources, which produce alpha contamination if leakage occurs, from the requirement of being leak tested at intervals not to exceed six months:

4 Pb^{210} sources located in Unit 1 Area Radiation Monitors 1 Pb^{239} /Be source located in Unit 1 Boronometer 1 Am^{241}/Be source located in Unit 2 Boronometer

The proposed Technical Specifications would require leak testing of the above sealed sources at least once per 18 months. The above sealed sources would still be required to be leak tested prior to any use or transfer to another user unless they have been leak tested within the six months prior to use or transfer.

Basis for proposed no significant hazards consideration determination: The proposed change has been reviewed against each of the criteria in 10 CFR 50.92, namely that the proposed change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

The increase in the interval of leak testing the above identified sealed sources resulting from the proposed Technical Specification changes would in no way increase the probability or consequences of accidents due to system failures. The affected systems would not be compromised if the sealed sources would leak nor would source leakage result in uncontained spread of contamination since the sources are sealed within the components in which they are housed.

Leakage of sealed sources (alpha contamination) would not cause failure of specific systems in which they are located nor would the leakage damage these systems. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

In the unlikely event of a sealed source leakage, none of the systems considered are likely to fail such that these systems would compromise plant safety. Any leakage would have no escape route and would not affect the neutron flux from the source necessary for system function. Therefore, the increased interval of leak testing the sealed sources would not reduce the margin of safety.

The proposed increased interval of leak testing would not reduce the margin of safety to plant personnel since it would reduce the potential for radiation exposure to individuals performing the

testing and therefore reduce the occupational dose to ALARA levels. The proposed Technical Specification change would eliminate the implicit requirement to shut down the reactor in order to perform the testing.

On this basis, the Commission proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, D.C. 20036.

NRC Branch Chiefs: George W. Rivenbark, James R. Miller.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Burnswick County, North Carolina

Date of application for amendment: May 7, 1984.

Description of amendment request: The proposed amendments would revise Section 3/4.7.5 of the Technical Specifications (TS) to eliminate Table 3.7.5–1 (Safety-Related Hydraulic Snubbers) and conform with guidance recently provided by the Commission in its letter dated May 3, 1984 (Generic Letter 84–13) and to incorporate miscellaneous administrative changes to Sections 3/4.7.6 and 3/4.7.7.

Deletion of Table 3.7.5–1 from the Brunnswick–1 and Brunswick–2 TS eliminates the need for frequent TS amendments to incorporate changes in the snubber listing. This list of individual snubber location, size, and system affected will be maintained in the plant procedures as required by Section 50.71(c) of 10 CFR 50. The reformatted Ts Secton 3/4.7.5 includes essentially the same requirements as the current Brunswick TS. The Limiting Condition of Operation remains the same in both cases. Major differences include: (1) The additional requirement of a Transient Event Inspection (Section 4.7.5.d) and (2) altered sample plans (Section 4.7.5.e) used to determine the number of snubbers required to be functionally tested. The Basis for Section 3/4.7.5 is also revised to reflect the changes made to Section 3/4.7.5.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14870). Examples of an amendment likely to involve no significant hazards consideration include: (i) A purely administrative change; and (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. section 4.7.5.d, Transient Event Inspection, represents an additional control to snubber inspections. All other changes are administrative in nature in that they do not affect the criteria used to establish safety limits, the bases for limiting safety system settings, or Limiting Conditions for Operation. Therefore, the licensee has determined that this proposed amendment falls under the criteria of examples (i) and (ii) and as such involves no significant hazards consideration.

The staff has evaluated the licensee conclusion that the proposed amendment falls under examples (i) and (ii) and as such involved no significant hazards consideration. There are deleted administrative changes that do fall under the criteria of exemple (i) and to a certain extent these are additional limitations in the: (1) Transient Event Inspection and (2) altered sample plans which fall under the criteria of example (ii). However, the removal of the snubber table may be close to but does not clearly fit either example. Previously the staff has evaluated the inclusion of the snubber listings in the Technical Specifications and has concluded that such listings are not necessary provided the snubber technical Specification is modified to specify which snubbers are required to be operable. The recordkeeping requirements of the snubber Technical Specifications are not be be altered by this revision. Further, the plant records must contain a record of the service life, intallation date, etc. of each snubber. Since any change in snubber quantities, types, or locations would be a change to the facility, such changes would be subject to the provisions of 10 CFR 50.59 and, of course, these changes would have to be reflected in the records required. On May 3, 1984 the staff sent a letter to all licensees which indicated the above conclusion regarding inclusion of snubber tables in the Technical Specifications and indicated that such changes were not required but that the licensee could choose to request an amendment to delete the tabular listing of snubbers.

Based on the above discussion and the fact that the deletion of the snubber table with the associated requirements is consistent with guidance provided to the licensees, the staff concludes that removal of the snubber tables under those circumstances would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Having made this finding the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: June 6, 1984.

Description of amendment request: The proposed amendment would revise Technical Specifications (TSs) 3.3.1 and 3.3.2 to allow alternate actions to be taken rather than placing an inoperative channel of the Reactor Protection System (RPS) or Isolation System in the tripped condition when this would cause the Trip Function to occur.

The requested TS change adds footnotes to TS 3.3.1 (Actions a and b) and TS 3.3.2 (Actions b and c). These footnotes defer placement of an inoperative channel in the tripped condition when this would cause the trip function to occur. Instead, the appropriate ACTION required by Table 3.3.1–1 or Table 3.3.2–1 is initiated. This allows the safety of the plant to be maintained without subjecting it to an abnormal operating condition. In addition, administrative changes in these sections make them more closely conform to the BWR–4 Standard Technical Specifications and a footnote providing for a one-time extension to Surveillance Requirement 4.3.2.3 is removed from the Brunswick Steam Electric Plant, Unit 1 Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards consideration by providing certain examples published in the **Federal Register** on April 6, 1983 (48

FR 14870). One of the examples of an amendment likely to involve no significant hazards consideration relates to a change (vi) which either may result in some increase to the probabiltiy or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The intent of TS 3.3.1 and TS 3.3.2 is to insure that the trip system with the inoperable channel be "armed" so that a subsequent trip signal would cause the Trip Function to occur to assure that plant operation is promptly taken to such a mode that the Trip Function is no longer required.

The proposed revision allows the intent of TS 3.3.1 and TS 3.3.2 to be met without subjecting the plant to an abnormal operating condition. This revision may result in a slight reduction in safety margin but is consistent with guidance provided in the General Electric Boiling Water Reactor Standard Technical Specification, NUREG–0123, Revision which is equivalent to the Standard Review Plan for Technical Specifications.

Based on the above, the NRC staff has determined that this proposed revision falls within the criteria of example (vi). Therefore, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket No. 50–237/249, Dresden Nuclear Power Station, Units No. 2 and 3, Grundy County, Illinois

Dates of amendment request: February 16, 1979 as supplemented May 3, 1984.

Description of amendment request: The amendments propose changes to the Technical Specifications and Bases to incorporate Radiological Effluent Technical Specifications (RETS) which would meet the requirements of Appendix I to 10 CFR Part 50. The amendments would approve new Technical Specification sections defining limiting conditins for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring, for effluent concentrations and for treatment of liquid, gaseous and solid wastes. They will also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve significant hazards considerations relates to changes that constitutes additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I to 10 CFR Part 50, required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the proposed addition of the Technical Specifications described above. The Commission proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated "as low as is reasonably achievable" effluent objectives.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Attorney for licensee: Robert G. Fitzgibbons, Jr., Isham, Lincoln and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Branch Chief: Dennis M. Crutchfield.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: May 25, 1984.

Description of amendment request: The proposed request would revise the Technical Specifications (TSs) to increase the amount of allowable Zircaloy–4, from 350 kg to 400 kg, in the four Zircaloy–4 clad fuel bundles presently permitted by the TSs.

Basis for proposed no significant hazards consideration determination: This change would permit the installation of up to 400 kg of Zircaloy–4 into the reactor core. The limit on a maximum of four Zircaloy–4 clad fuel bundles remains unchanged. This Technical Specification is required because the existing limit was based upon an older design involving thinner cladding. Early in the life of the Haddam Neck Plant four Zircaloy clad bundles were installed. However, because of thinner cladding than the proposed fuel, the Zircaloy mass was below 350 kg. With the increased cladding thickness of the proposed fuel and the corresponding increase in the cladding mass, the new value is approximately 380 kg.

The Zircaloy assemblies are being utilized in a demonstration program. Only four assemblies of a total core of 157 assemblies will be Zircaloy clad. Less than 400 kg of Zircaloy will be employed, as contrasted with a stainless steel clad mass of approximately 18,000 kg. In evaluating the acceptability of the installation of Zircaloy fuel into the Haddam Neck core, the licensee considered the skeletal integrity of the assemblies (same as present fuel), seismic considerations, clad collapse, thermal hydraulic performance as compared to the stainless steel fuel and LOCA evaluations. The assemblies will be loaded in non-limiting locations within the core. The licensee states that the severity of any postulated transient affecting the fuel will be less for the four demonstration assemblies as compared to the limiting stainless steel assemblies. Therefore the staff finds that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated and does not involve a significant reduction in the margin of safety.

Existing Technical Specifications allow utilization of up to 350 kg of Zircaloy to be used in four assemblies. Only a minor increase in clad thickness associated with a more recent design resulted in the need for the amendment. Zircaloy is by far the dominant cladding material used in lightwater power reactors licensed by the NRC. There is ample evidence that it is a technically adequate alloy to assure acceptable fuel performance. Therefore, since the proposed amendment will only slightly increase the amount of Zircaloy allowed by previous evaluations and based on the staff's experience with Zircaloy clad fuel, the staff finds that the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

Based on the above and on a comparison with the Commission's guidance concerning the application of

standards for making a No Significant Hazards Consideration Determination (April 6, 1983, 48 FR 14870), the staff finds that the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in the margin of safety. Therefore, the staff proposes to determine that this action involves no significant hazards consideration.

Local Public Document Room location: Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103.

NRC Branch Chief: Dennis M. Crutchfield.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: May 30, 1984.

Brief description of amendment: The amendment would revise the testing requirements for shock suppressors (snubbers) and add requirements for operability and testing. The proposed changes were made in response to an NRC request to upgrade the testing requirements for all safety-related snubbers to ensure a higher degree of operability. The changes involve: clarifying the frequency for visual inspections, stating the requirements for functional testing of snubbers which visually appear inoperable, the inclusion of a formula for the selection of representative sample sizes, the clarifying of the testing acceptance criteria, and revising the method of snubber listing to incorporate more information.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to snubbers to clarify requirements and include additional testing, and incorporate both operability and testing requirements for snubbers. Since the requested changes upgrade and add requirements for snubbers, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 2, 1984.

Description of amendment request: The licensee requested an amendment to Facility Operating License DPR–66, revising all the pages in Appendix A Technical Specifications to conform with the new rule on reporting requirements, 10 CFR 50.72 and 10 CFR 50.73. Section 50.72 revises the immediate notification requirements for operating nuclear power reactors. The new § 50.73 provides for a revised Licensee Event Report System, and replaces all existing requirements for licensees to report "Reportable Occurrences" as defined in individual plant Technical Specifications.

All licensees have been notified of this new rule, and Generic Letter 83–43 was issued by the staff to provide guidance in revising individual plant Technical Specifications. Duquesne Light Company responded to the Generic Letter by the subject amendment request.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Examples (vii), involving no significant hazards considerations is "A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations". The requested amendment matches the example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 7, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License DPR–66, revising the Technical Specifications by adding new surveillance requirements to the Emergency Air Lock (EAL). The EAL is a second personnel air lock installed to provide an alternate emergency means of entrance into and egress from the containment. These surveillance requirements are proposed in accordance with 10 CFR 50, Appendix J, Section II.D.2(b)(iii), and are imposed to ensure the leak-tightness of the EAL.

Other changes requested by the licensee's letter have been addressed by a previous notice (48 FR 49585, October 26, 1983), and are handled separately from this action.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement". The requirements that would be imposed by the proposed amendment are currently non-existent. Issuance of the amendment would thus imposed new limitations or restrictions. On this basis, the staff proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License DPR–66, revising Section 3.4.6.1, "Leakage Detection Systems," by adding specification for the narrow range sump

level instrument and by amending the Limiting Condition for operation by requiring that either the sump discharge flow measurement system or the narrow range level instrument be operable during plant operation. The narrow range instrument provides an alternative method of leakage indication, monitoring sum level under normal operating conditions. No hardware change is involved since the instrument is already in place and in use. The current specification requires that the sump discharge flow measurement system be operable during plant operation. The amendment would require either the flow measurement system or level instrument be operable. Either one is capable of detecting reactor coolant system leakage.

Basis for proposed no significant hazards consideration determination: The proposed change to the Technical Specifications allows more flexibility in plant operation by requiring either one of two equally capable systems be used for reactor vessel leakage detection. The relaxation in the requirement for one system is compensated for by the imposition of a new requirement on a system previously not governed by the Technical Specifications.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards consideration is a "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications." The imposition of the new specification on the sump level instrument matches the example. The Commission also provided examples involving significant hazards consideration. One of these, Example (iii), is "A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions or actions that maintain a commensurate level of safety." The proposed amendment would allow the sump discharge flow measurement system to be inoperable but, as a compensatory measure, requires the level instrument be operable.

Thus, based on the above two examples, the staff proposes to characterize the proposed amendment as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License DPR–66, correcting a number of minor errors and clarifying a number of specifications as follows:

(1) Table 3.3–12 Action statement 23: correct a typographical error, the referenced Surveillance Requirement 4.11.1.1.3 should be 4.11.1.1.1.

(2) Section 3.4.1.5. Insolated Loop Startup add a note "with fuel in the vessel" to clarify the APPLICABILITY statement. This specification is intended to prevent a reactivity transient due to the injection of cool water from the startup of a idle loop. Therefore, with no fuel in the vessel there can be no reactivity transient, no safety concern and no need for this specification. This change is not a safety concern, and merely clarifies the language of the specification.

(3) Section 3.7.5.1 Ultimate Heat Sink-Ohio River: correct a typographical error, Surveillance Requirement 4.7.6.1 should be 4.7.5.1. (4) Figure 5.1–1 Site Boundary for Gaseous Effluents for the Beaver Valley Power Station: correct this figure by adding the "Meteorological Tower", which was inadvertently omitted by a previous amendment (Amendment No. 66).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A purely administrative change to technical specifications, for example,—correction of an error—". All items above match the example and the staff, therefore, proposes to characterize this amendment as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License DPR–66, revising Table 3.3–6 of Appendix A, "Radiation Monitoring Instrumentation," and Table 4.3–3 "Radiation Monitoring Instrumentation" and Table 4.3–3 "Radiation Monitoring Instrumentation Surveillance Requirements" to delete Purge and Exhaust Isolation (RM–215A and RM–215B) from both tables. These radiation monitors do not actuate isolation of the Purge and Exhaust system as is currently indicated on the Tables. They do provide control room alarm indication. The automatic isolation of the Purge and Exhaust Systrem is actuated by monitors RM–VS–104A and RM–VS–104B, as stated elsewhere in the same Tables.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Examples (i) involving no significant hazards consideration is "A purely administrative change to techinical specifications: for example—correction of an error—." The requested amendment corrects an error and matches the example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License No. DPR–66, revising the Technical Specifications as follows:

(1) Table 4.4–3, Reactor Vessel Material Irradiation Surveillance Schedule, to reflect the revised capsule removal schedule recommended by Westinghouse Topical Report WCAP–

9860. The Bases have also been revised to reference 10 CFR 50 Appendix H for capsule removal and evaluation. The changes would bring the Surveillance Schedule into conformance with Appendix H, "Reactor Vessel Material Surveillance Program Requirements" of 10 CFR Part 50. (2) Section 4.4.10, Surveillance Requirements for ASME Code Class 1, 2 and 3 Components, to delete the augmented inservice inspection program requirements to be performed during the first three refueling outages. The augmented inservice inspection program was completed following the third refueling outage, therefore, the surveillance requirements of 4.4.10 have been satisfied and no longer apply.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 fR 14870). One of these Examples (vii), involving no significant hazards consideration is "A change to make a license to conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations." The requested change ((1) above) matches this example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Another example involving no significant hazards considerations is Example (i), "A purely administrative change to technical specifications." The requested change ((2) above) is an editorial change to remove requirements that no longer apply. The staff, therefore, also proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. R. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License No. DPR–66, revising the Technical Specifications to impose requirements on the spray and/or sprinkler system, fire hose stations, and halon system for a number of areas in the plant. The proposed technical specification changes are administrative in nature and incorporate additional requirements applicable to the equipment added to the Fire Protection System by Design Changes 268 and 553. The Fire Protection System has been upgraded by the design changes and will enhance the effectiveness of the system to comply with the standards of the National Fire Protection Association and the intent of 10 CFR Part 50 Appendix R.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards consideration is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." The requested amendment matches the example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: May 21, 1984.

Description of amendment request: This is an application for an amendment to Facility Operating License No. DPR–66, revising the Technical Specifications as follows:

(1) Figure 6.2–2, Facility Organization, to reflect the reorganization of Station Engineering. The functions deleted from Stating Engineering responsibility have been incorporated into the Nuclear Engineering Department. The changes do not affect the safety functions performed by onsite organization personnel, are not a safety concern and do not affect the Updated Final Safety Analysis Report (UFSAR).

(2) Section 6.5.1.2 revises the title of one of the Onsite Safety Committee (OSC) members from "Senior Engineer—Station Engineering" to "Project Engineer—Nuclear Engineering Department" and adds an additional member "Instrumentation and Controls and Supervisor". The OSC membership changes are consistent with the minimum qualification for OSC membership. This change is not safety concern.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (i), involving no significant hazards considerations is "A purely administrative change to technical specifications." The requested amendment matches the example and the staff, therefore, proposed to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. R. Jones Memorial Library, 663 Franklin Avenue, Alequippa, Pennsylvania 15001.

Attorney for Licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: May 21, 1984.

Description of amendment request: The proposed amendment would make changes in the technical specifications of St. Lucie Plant, Unit No. 1 to reflect the requirements requested in Generic Letter 83–37 to provide operability requirements for reactor coolent system vents. The proposed amendment would also make the St. Lucie 1 specifications identical to St. Lucie 2.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the Application of these standards by providing examples of amendments considered likely and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration (ii) relates to changes that constitute an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. The proposed change to the St. Lucie Plant, Unit No. 1, technical specifications proposed by this amendment constitutes an additional control with regard to the operability requirements for the reactor coolant

system vents in response to the NRC's Generic Letter 83–37.

Based on the above, the staff proposes to determine that the proposed changes does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Newman and Holtzinger P.C., 1025 Connecticut Avenue, NW., Washington, D.C. 20036

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application for amendment: May 21, 1984.

Decription of amendment request: The proposed amendment would make changes in the technical specifications of St. Lucie Plant, Unit No. 2 to reflect organizational changes by updating off-site organization charts and changes to reflect the requirements of Generic Letter 83–43.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the Application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the Federal Register on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration (i) relates to amendments of a purely administrative change to technical specifications, correction of an error, or a change in nomenclature, or a change to achieve consistency throughout the technical specifications. The changes to the St. Lucie Plant, Unit No. 2 technical specifications proposed by this application for amendment are designed to update organizational changes within the licensee's organization. It also incorporates the requirements of Generic Letter 83–43 regarding event reporting. Based on the above, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Newman and Holtzinger, P.C. 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: May 22, 1984.

Description of amendment request: The proposed amendment would make changes in the technical specifications of St. Lucie Plant, Unit No. 2 to extend engineered safety features actuation system (ESFAS) subgroup relay testing interval from six to 18 months.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the Federal Register on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration (iv) relates to relief granted upon demonstration of acceptable operation from an operating restriction that was inposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met.

The proposed amendment and its accompanying evaluation justify the relief from the ESFAS subgroup relay testing interval previously approved in the Technical Specifications. The analysis demonstrates that the proposed changes resulted in virtually no change in the availability of the actuation channel. The analysis was performed using standard acceptable methodology as described in NUREG/CR–2300 (PRA Procedures Guides) and IEEE–STD 352–1975 (Guide for General Principles of Analysis of Nuclear Power Generating Station Protection systems).

Another example of actions involving no significant hazards consideration (vi) relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed amendment would not result in a significant reduction in the safety margin. The availability of the ESFAS channels are insensitive to the change in the test interval.

In addition, a review of the standards set forth in 10 CFR 50.92(c) shows that the amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated since the safety evaluation demonstrates that the extension of the test interval does not reduce the availability of the actuation channel in any significant amount (0.03% change availability for ESFAS and 0.02% change for Auxiliary Feedwater Actuation System (AFAS). Therefore the operation and availability of the ESFAS instrumentation remains the same as considered in all previous safety analyses; (2) create the possibility of a new or different kind of accident from any accident previously evaluated since there are no design changes proposed in this amendment, and since the operation and availability of the ESFAS remains unchanged, and (3) involve a significant reduction in a margin of safety in that the availability of the ESFAS actuation channel is insensitive to the change in the test interval. The 0.03% and 0.02% change in availability of the channel does not involve any significant reduction in a margin of safety.

Based on the above, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Newman and Holtzinger, P.C. 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application for amendment: June 4, 1984.

Description of amendment request: The proposed amendment would make changes to the technical specifications of St. Lucie Plant, Unit No. 2 in connection with the Cycle 2 refueling scheduled for October/November 1984.

Basis for proposed no significant hazards consideration determination: The requested amendment to the St. Lucie Unit 2 operating license is being submitted in support of the upcoming Cycle 2 core reload. The requested amendment will incorporate technical specification changes as discussed in the evaluation accompanying the application. The reload will involve replacing approximately one-third of the

reactor core and additional new Control Element Assemblies will be installed in existing equipped locations. The Region D fresh fuel assemblies to be used in this reload are not significantly different from those previously found acceptable to the NRC for St. Lucie Unit 2 Cycle 1. The analytical methods used to demonstrate conformance with the technical specifications and regulations have been previously approved by the NRC staff. In addition, the proposed technical specification changes do not change the applicable acceptance criteria previously approved by the NRC Staff. The evaluation performed in support of this amendment has determined that, when measured against the standards in 10 CFR 50.92, no significant hazards consideration exists. It is also concluded that this amendment involves no unreviewed safety questions per 10 CFR 50.59.

The St. Lucie Unit 2 nuclear power plant is presently licensed to operate at a rated thermal power of 2560 Mwth with a physical configuration as defined and described by the Final Safety Analysis Report (FSAR). This reload involves removing depleted fuel assemblies from approximately one-third of the nuclear core and replacing them with fresh fuel of a similar type as previously loaded. The maximum nominal enrichment of the Region D fresh fuel will be 3.65 weight percent uranium—235 as compared to a nominal maximum enrichment in Cycle 1 of 2.73 w/o.

The licensee has indicated that the fresh fuel assemblies will also incorporate minor dimensional changes as a result of design changes recognized as desirable at other Combustion Engineering plants. These changes create a larger space between the top of each fuel rod and the fuel upper end fitting flow plate thus allowing greater space for fuel rod expansion. The fuel assembly guide tubes will be changed from cold worked zircaloy to annealed zircaloy which will result in a lower growth rate of the fuel assembly. The increase in enrichment is incorporated in the Region D fuel assemblies to provide for an extended fuel cycle length. The licensee indicated that there has been no change to the fuel design bases and as such the new fuel continues to satisfy General Design Criteria 10 and 11 and other design bases considered in the Staff review of the fuel for Cycle 1.

An evaluation of this request for amendment has been performed by the licensee to demonstrate that no significant hazards consideration exists, based upon a comparison with the criteria of 10 CFR 50.92(c). The requested technical specification changes have been categorized into several subheadings for the purposes of this evaluation.

A. Changes to Safety Limits

Refinements in calculational techniques have led to the following two proposed changes.

1. The minimum value of the DNBR during steady-state operation, normal operational transients and anticipated transients is increased from 1.20 to 1.28.

2. The allowable limit on peak linear heat rate of the fuel is increased from 21 kw/ft to 22 kw/ft.

There has been no change to the criteria used to establish these safety limits. The proposed DNBR value still provides at least a 95% confidence level that Departure from Nucleate Boiling (DNB) does not occur on a fuel rod having that minimum DNBR during steady state operation or during anticipated operational occurrences. The evaluation of the various factors associated with DNB will now be based on the Statistical Combination of Uncertainties (SCU) methodology (Appendix I of the Reload Safety Report). This methodology also incorporates adjustments for rod bow directly in the DNB limit, whereas in the reference cycle (Cycle 1) rod bow was accounted for explicitly in the monitoring of the radial peaking factor. The SCU methodology is described in C–E report CEN–123(F)-P, and has been previously reviewed and approved by the NRC. Application of the techniques to the plant specific parameters of St. Lucie Unit 2 is described in the accompanying Reload Safety Report.

The proposed new value for peak linear heat rate is still a value corresponding to centerline fuel melt as determined by the fuel evaluation model, FATES–3. The power-to-centerline melt limit for Cycle 2 takes credit for decreased power peaking which is characteristic of highly burned fuel. Also, since a decrease in fuel melt temperature accompanies burnup, the most limiting power-to-centerline melt has been found to occur at an intermediate burnup range. Using conservative estimates of the burnup point at which the power peaking begins to decrease and the rate at which it decreases for Cycle 2, the most limiting power-to-centerline melt has been determined to be in excess of 22 kw/ft.

These revised safety limits have been factored into the safety analyses performed for this reload application and all results are within previously established criteria and design basis; hence, no reduction in safety margin has resulted from these changes.

These technical specifications provide a numerical value with which to judge and verify the acceptability of safety analyses that are performed. Therefore, these changes have no impact on accident probability and consequence, for either accidents previously analyzed or the potential for different accidents.

Therefore, these proposed changes may be considered similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

B. Technical Specification Changes To Enhance Operating Margin

The allowed plant operating space as defined and controlled by the technical specifications is revised in the following areas.

1. The allowable planar radial peaking factor (F^T_{xy}) has been increased from 1.60 to 1.75 and the allowable integrated radial peaking factor (F^T_r) has been increased from 1.60 to 1.70.

2. The minimum required Reactor Coolant System (RCS) flow has been reduced from 370,000 gpm to 363,000 gpm.

3. The maximum allowed cold leg temperature has been increased from 548°F to 549°F.

4. Increased restrictions to the LSSS and LCOs are implemented to offset the effects of the increased operating space produced by items 1, 2 and 3.

Detailed calculations were performed to evaluate the impact of these changes on Anticipated Operational Occurences and Postulated Accidents. The extent of these analyses can be characterized within the following six categories.

1. Increase in heat removal by the secondary system.

(Section 3.2.1)

2. Decrease in heat removal by the secondary system.

(Section 3.2.2)

3. Decrease in reactor coolant flowrate.

(Section 3.2.3)

4. Reactivity and power distribution anomalies.

(Section 3.2.4)

5. Decrease in reactor coolant system inventory.

(Section 3.2.6)

6. Loss of Coolant events.

(Section 3.3)

Note.—Section numbers refer to the sections in the Reload Safety Report.

The criteria for judging the acceptability of these events has not changed from the reference cycle (Cycle 1). The detailed results of these calculations are provided in the accompanying Reload Safety Report along with comparisons with the appropriate limiting criteria. The following discussion provides a summary of various events analyzed with respect to the three basic criteria; i.e., offsite dose, reactor coolant system pressure, and fuel performance.

1. *Offsite Dose*

Acceptance guidelines for offsite radiation dose continue to be based on 10 CFR Part 100 criteria. The most limiting postulated accident with respect to offsite dose was determined to be a steamline break outside of containment (Section 3.2.1.5b). The detailed analysis of this postulated accident includes assumptions such as concurrent loss of AC power and the most adverse values for the process parameters (RCS temperature, pressure, core MTC, NSSS power, etc.) that affect the outcome of this event. Even with conservatism assumed, the results are well within the limits of 10 CFR Part 100. The consequences of a steamline break inside containment are even less severe with respect to offsite dose since the releases are confined within the containment building.

The limiting Anticipated Operational Occurence which is analyzed for impact on offsite does is the Inadvertent Opening of a Steam Generator Safety Valve (Section 3.2.1.4). It is assumed that this event will result in a complete blowdown and one steam generator and partial blowdown of the other. Conservative assumptions to maximize the calculated doses include maximum steam generator and RCS radionuclide concentrations. The results continue to be a small fraction of 10 CFR Part 100 limits.

2. *Reactor Coolant System Pressure*

Acceptance guidelines for RCS pressure are based on RCS design limits as defined by General Design Criteria 14 and 15. The most limiting postulated accident with respect to RCS pressure was found to be a feedwater system pipebreak (Section 3.2.2.6). This event is analyzed with conservative assumptions, such as loss of AC power and the most adverse values for the process parameters that affect the results. Also, a parametric evaluation is performed to identify the exact break size that maximizes the RCS pressure peak. These conservative calculations show that the pressure peak resulting from this event is still below the RCS upset pressure limit of 2750 psia.

The limiting Anticipated Operational Occurence which affects RCS pressure is the Loss of Condenser Vacuum event (Section 3.2.2.3). The resulting loss of load causes an increase in steam generator pressure which is relieved by opening of the secondary safety valves. There is also an increase in RCS pressure which allows protective systems to initiate a reactor trip at the high pressure setpoint to terminate the event. The peak RCS pressure attained is well below the upset pressure limit of 2750 psia.

3. *Fuel Performance*

Criteria in this category require that a coolable fuel geometry is maintained such that continued removal of decay heat is ensured. This condition is met by maintaining fuel temperature below the Specified Acceptable Fuel Design Limit (SAFDL) and limiting the duration of DNB during postulated accidents. The most limiting postulated accident with respect to fuel integrity was determined to be the Steamline Break Outside of Containment (Section 3.2.1.5b). Note that this event has been previously discussed as the most limiting postulated accident with respect to offsite dose. The result indicates that only a small number of fuel pins are predicted to fail and a coolable geometry is maintained.

The limiting Anticipated Operational Occurrence that is considered in this category is the Total Loss of Forced RCS Flow (Section 3.2.3.2). The conditions assumed in this analysis include the maximum allowed cold leg temperature, maximum radial peaking factors and minimum RCS flowrate as proposed. A parametric analysis is performed to determine the axial shape index within the allowable range that provides the most severe results. This event is used to establish the minimum initial margin that must be maintained by the Limiting Conditions for Operation (LCOs) with respect to the DNBR limit. Hence, this event results in an acceptable minimum DNBR of 1.28.

Another set of criteria that is established to evaluate fuel performance is described by 10 CFR 50.46. Assurance that these criteria are satisfied is provided by the detailed analyses performed for small break LOCA, large break LOCA and post-LOCA long term cooling. The highest Peak Clad Temperature (PCT) calculated, resulted from a Double-Ended Guillotine Break at Pump Discharge (DEG-PD) with a PCT of 2041°F as compared to an allowable limit of 2200°F. A detailed description of these analyses and corresponding results is provided in the Reload Safety Report (Section 3.3.1). In all cases, the analytical results show acceptability with respect to the 10 CFR 50.46 criteria.

These detailed calculations show that incorporation of the increased operating space, when offsets by the more limiting restrictions imposed by changes to the LSSS and LCOs result in limiting events which are still below the corresponding acceptance criteria. Therefore, no reduction in safety margin has occurred.

The combined results of these calculations when compared to the reference cycle (Cycle 1) show that these proposed changes do not result in any increase in the probability of those events previously analyzed and no significant increase in the consequences of these events can be shown.

None of these proposed changes result in any modifications to plant equipment; the minor variations in plant parameters are accounted for in the evaluations of A00s and postulated accidents as described above. Therefore, this evaluation has further concluded that these changes do not provide a potential for accidents different from those previously considered.

Since these proposed changes yield results which are well within acceptance criteria, the changes can be considered similar to the example provided in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

C. Increased Cycle Length

The mode 5 shutdown margin is increased from 2% to 3% delta k/k as a result of the fuel management program which will permit an increased cycle length.

The accompanying Reload Safety Report analyzes anticipated operational occurrences that are affected by the

proposed changes in cycle length and Mode 5 shutdown margin. The limiting events with respect to radiological release and loss of shutdown margin are the following.

1. Inadvertent opening of a steam generator safety valve (Section 3.2.1.4).

2. Post trip analysis of a steam line break from hot Full Power (Section 3.2.1.5.c).

3. Chemical Volume and Control System (CVCS) malfunction (Section 3.2.4.4).

These analyses were performed with bounding values of shutdown margin, rod worth, and boron worth for the current fuel loading. The results from an analysis of the inadvertent opening of a steam generator safety valve show that reliable control of reactivity is maintained and that radiological doses at the site boundary are a small fraction of the 10 CFR Part 100 guidelines. The steam line break analysis shows that, with the same HZP shutdown requirement as for the previous cycle, there will be no significant return to power. Analysis of the CVCS malfunction (boron dilution) shows that under all operating and refueling conditions the time from annunciation to criticality will meet or exceed the required minimum criteria. Thus, all criticality criteria are met. Increases in fuel temperatures and coolant pressures are regulated by the constraints imposed by the LSSS and LCOs.

From these analyses it can be concluded that there is no significant increase in the probability and consequences of accidents previously analyzed. Nor do these changes create the possibility of a new or different kind of accident. The changes do not reduce the safety margin inasmuch as the safety analyses show that acceptable results are obtained with the same criteria pertaining to offsite dose rates, return to power and time from annunciation to criticality.

This change can be considered as being similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement."

D. CEA Related Changes

Cycle 2 will incorporate several changes related to the Control Element Assemblies (CESs), primarily to enhance operational characteristics such as control of axial shape index. A description of the physical configuration of these changes is provided here, along with a summary of the affected technical specifications.

Eight additional CEAs will be installed in core locations which are presently unrodded. These locations are already provided with drive motors, position indicating instrumentation and all associated hardware. This change will take advantage of these equipped locations to increase the total number of CEAs available for reactor control. These additional CEAs will also result in an increase in the available shutdown margin. The sequence in which these eight new CEAs and the existing 83 CEAs are maneuvered will be changed. The 83 CEAs in the reference cycle (Cycle 1) are subdivided into six regulating and two shutdown banks. The 91 CEAs available for Cycle 2 will be subdivided into five regulating and two shutdown banks. This grouping change will increase the number of CEAs from four to twelve in the first sequentially inserted group during reactor control maneuvers. Also, the CEA insertion limitation (Power Dependent Insertion Limit, PDIL) will be revised. The changes to group configuration and PDIL will increase the amount of control available to plant operators and will allow for a more even application of CEA worth, which will minimize the effects on core radial power distribution.

Safety analyses have been performed to verify the acceptability of increasing the amount of time allowed to recover a dropped CEA. Plant experience with operational surveillance has shown that the actual CEA drop time associated with a reactor trip is conservatively faster than previously assumed for the reference cycle. Therefore, changes concerning CEA recovery time and CEA drop time will be incorporated into the technical specifications.

Detailed analyses of Anticipated Operational Occurrences which were performed to confirm the acceptability of these changes include the following:

1. Uncontrolled CEA withdrawal from a subcritical or low power condition (Section 3.2.4.1).

2. Uncontrolled CEA withdrawal at power (Section 3.2.4.2).

3. CEA misoperation (rod drop) (Section 3.2.4.3).

Analysis of these events have shown that there is no significant increase in the consequences of these events resulting from the proposed changes. The postulated accident which is most significantly affected by these proposed changes is the CEA Ejection Event. This event would result from the highly unlikely failure of a pressure housing which retains a CEA. The analysis of this event is performed in accordance with the NRC approved C-E methodology described by CENPD-190A (Section 3.2.4.6). The analysis shows that the most severe results, which occur at a zero power initial condition, predict that no fuel failures will occur. Therefore, acceptance criteria related to fuel performance and offsite dose are satisfied and no reduction in safety margin has resulted from these changes.

These changes are similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

The physical implementation of these changes will be accomplished by modifications to the existing Control Element Drive Mechanism Control System (CEDMCS). Originally defined functional requirements and specifications for this equipment will be retained and, hence, there will be no impact on the probability of previously analyzed events and no potential for new events.

E. Containment Integrity

To assure containment integrity, the following changes are proposed:

1. Containment spray high-high trip setpoint is lowered from 9.30 psig to 5.40 psig and allowable values from 9.40 psig to 5.50 psig.

2. The high containment pressure setpoint for Engineered Safety Features (ESF) functions is lowered from 5.0 psig to 4.7 psig. The allowable value is reduced from 5.1 psig to 4.8 psig. The high containment pressure setpoint of 4.0 psig for reactor trip remains the same as Cycle 1, however, the allowable value is reduced from 5.0 psig to 4.1 psig.

3. The allowable response time for high containment pressure instrumentation is reduced from 1.55 seconds to 1.15 seconds.

These changes are similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example a more stringent surveillance requirement."

The lower containment spray trip setpoint results in lower peak containment pressure following mass and energy releases to the containment. The high containment pressure setpoints have been reduced as a result of the high-high containment pressure setpoint changes, to assure sequencing of automatic safety system actions. The reduction in response time is justified based on in-plant experience with instrument performance. Section 3.3.4 of the Reload Safety Report shows that with the proposed changes, a higher core power (2700 MWth) can be accommodated without compromising containment integrity. The report presents analyses that show peak containment pressures for a large break LOCA or a main steam line break, the two limiting transients for containment pressure, will be below the design pressure of 44 psig. Thus, the probability and consequences of previously analyzed events have not increased nor has the safety margin decreased. The probability for a new accident has not increased as no new failure mechanism has been introduced. The lower limit on initial containment pressure has not been changed, thereby assuring that the assumptions used in the ECCS analysis remain valid.

F. Pressurizer Water Level

A change to the pressurizer water level control system is incorporated to raise the normal operating water level in the pressurizer. This level program improvement will provide greater margin between the pressurizer heater cutoff level setpoint and the projected minimum water level following a reactor trip. Consequently, to accommodate this control system setpoint change, the maximum allowable indicated pressurizer water level is increased from 65% to 68%. This change has been accounted for in analysis of a CVCS malfunction (Section 3.2.5.1) which is the limiting event affected by this change. The analysis concludes that the operator has 20 minutes available to take corrective action following annunciation of the high pressurizer water level alarm to prevent filling the pressurizer. This is a sufficient and acceptable period of time for the operator to terminate the charging-letdown flow imbalance and hence no reduction in safety margin has occurred. This change also has no effect on the probability or consequence of new or previously analyzed accidents.

This increase in allowable pressurizer water level is similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculation model or design method."

G. Secondary Safety Valve

The main steam line safety valve operability requirement is changed to incorporate revised maximum allowable power limits to be in effect when fewer than all safety valves are in service. This specification will now be of the same format and technical content as the corresponding St. Lucie Unit 1 requirement. The same calculational methods used for the reference cycle (Cycle 1) are applied here and no increase or decrease in rated valve capacity is assumed. The analyses which support this change are now based on steam flowrates which would be present with the plant operating at 2700 MWth. The revised specification continues to comply with the ASME Boiler and Pressure Vessel Section III code requirements to limit peak secondary system pressure to 110% or design pressure. Therefore, no reduction in safety margin has occurred, and the probability/consequence of accidents is not affected.

Since this change results in a reduction in the allowed fractional power level, the change may be considered similar to the example in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(ii) A change that constitutes an additional limitation, restriction, or control not previously included in the technical specifications; for example a more stringent surveillance requirement."

H. Corrections and Administrative Changes

The following two changes constitute editorial corrections in the existing technical specifications:

1. Section 5.3.1—change "fuel rods" to "fuel and poison rods" to include fuel assemblies containing poison rods.

2. Section 5.3.1—change "1698.3 grams" to "approximately 1700 grams" to permit minor variations in core loading and weight.

These changes are of administrative nature and follow the example given in 10 CFR 50.92 for amendments that are considered not likely to involve significant hazards considerations: "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature."

We have reviewed the licensee's evaluation and conclude that it appears reasonable and demonstrates that the proposed amendments to the St. Lucie Unit 2 Technical Specifications do not: (1) Increase the probability or consequences of accidents previously analyzed; (2) increase the potential for accidents different from any accident previously considered; and (3) reduce the safety margin.

Therefore, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Newman and Holtzinger, P.C., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendments request: April 27, 1984.

Description of amendments request: The proposed license amendments request the current Technical Specifications relating to the control of heavy loads be revised to assure conformance with the Commission's guidelines provided in NUREG–0612, "Control of Heavy Loads at Nuclear Power Plants." The proposed amendments will prohibit the travel of heavy loads over irradiated fuel assemblies in the spent fuel pools. The proposed Technical Specifications include an exception to the new requirements to facilitate the installation of a temporary crane for use during the proposed reracking of the same fuel pools.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a proposed determination that a request for amendments involve no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that the operation of the facilities in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or

different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (ii) not likely to involve a significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement.

The proposed changes fit this example in that an additional restriction will be imposed which will prohibit the travel of heavy loads over irradiated fuel assemblies in the spent fuel pools. The concern of a potential accident of a temporary construction crane drop has been addressed in the Safety Analysis Report (SAR) included in the licensee's letter dated March 14, 1984, which requests license amendments allowing modifications to the spent fuel pools. Section 3.4.2 of the SAR discusses the postulated accident involving the temporary crane indicating the results would be acceptable. The NRC's initial finding of no significant hazards consideration associated with the use of the temporary crane was published in the **Federal Register** on June 9, 1984 (49 FR 23715).

The staff proposes to determine that the application does not involve a significant hazards consideration since it does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed change have falls within the Commission's example (ii) of actions not likely to involve significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Suite 1224, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendments request: May 21, 1984.

Description of amendments request: The proposed amendments would revise and expand the Table of Safety-Related Snubbers in Section 3.13 of the Technical Specifications for Turkey Point Units 3 and 4. The revised table reflects recent snubber changes implemented during the Unit 3 outage.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a proposed determination that a request for amendments involve no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that the operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (i) not likely to involve a significant hazards consideration is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

The proposed revision to update the Table of Safety-Related Snubbers is necessary to achieve consistency throughout the Technical Specifications. The revised table reflects the current status of the safety-related snubbers in relation to the safety-related systems identified throughout the Technical Specifications.

The Technical Specifications, Section 3.13.4, indicates that safety-related snubbers may be added or removed without a prior license amendment provided Table 3.13–1 is revised in a subsequent amendment. In accordance with this requirement, the proposed request revises the table to reflect the current status of the safety-related snubbers and assures consistency throughout the Technical Specifications.

The staff proposes to determine that the application does not involve a significant hazards consideration since it does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new of different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety and the proposed change falls within the Commission's example (1) of actions not likely to involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Suite 1224, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: April 6, 1983, as supplemented by submittals dated July 29, 1983 and October 17, 1983.

Description of amendment request: These submittals incorporate revision to the request for Duane Arnold Energy Center (DAEC) Technical Specifications Amendment dated April 6, 1983, noticed in the monthly **Federal Register** on August 23, 1983 (48 FR 38406). By a letter dated July 29, 1983, the licensee submitted a revision to the April 6, 1983 application incorporating responses to the staff comments made at a meeting between the Iowa Electric Light and Power Company (licensee) and the Nuclear Regulatory Commisison staff. The July 29, 1983 submittal revised the Technical Specifications to correct deficiency of: (1) Operational requirements of offgas treatment monitors, (2) inclusion of limits of annual dose commitments attributable to liquid effluents, (3) surveillance requirements, and (4) clarity of some notations. Subsequently, as a result of further telephone discussions between the staff and the licensee, the licensee submitted a further revision dated October 17, 1983, incorporating additional staff comments provided during telephone conversations. The October 17, 1983 submittal revised the Technical Specifications to (1) change the operational requirements of noble gas monitoring, (2) clarify some footnotes, (3) add surveillance requirement for annual air dose verification, (4) correct several errors,

and (5) add several references. The revisions proposed by the licensee in the July 29, 1983, and the October 17, 1983 submittals did not change the licensee's original intent to modify the DAEC Technical Specifications to implement the design objectives and requirements of the Commission's regulations 10 CFR 50.34(a), 10 CFR 50.36a, 10 CFR Part 20, 10 CFR, 50 Appendix A—General Design Criteria 60 and 64, and 40 CFR Part 190.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such example involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement: 10 CFR 50.34(a), which pertains to Design Objectives for equipment to control releases of radioactive materials in effluents from nuclear power reactors; 10 CFR 50.36a, which pertains to Technical Specifications on effluents from nuclear power reactors; 10 CFR 20, which pertains, in part, to the controlled release of radioactive materials in liquid and gaseous effluents; 10 CFR 50, Appendix A—General Design Criteria 60, which pertains to control of releases or radioactive materials to the environment and 64, which pertains to monitoring radioactivity releases; and 40 CFR Part 190, which pertains to radiation doses to the public from operations associated with the entire uranium fuel cycle. This proposed amendment, therefore, reflects changes to make the DAEC license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to control and limit offsite releases of radioactive materials to levels which are as low as is reasonably achievable, this Technical Specification change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50–282, Prairie Island Nuclear Generating Plant, Unit No. 1, Goodhue County, Minnesota

Date of application for amendment: July 9, 1984.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) related to the operability of the Unit No. 1 steam generators. TS 4.12.D.2 requires that steam generators are determined operable after all tubes that exceed the plugging limit or contain through-wall cracks are plugged. The proposed amendment would consider the steam generator having three tubes containing defects in the tube sheet region that exceed the plugging limit as operable. The proposed amendment would be in effect until the end of the current fuel cycle (December 1984).

Basis for proposed no significant hazards consideration determination: The licensee, by letter dated June 18, 1984, transmitted his reevaluation of the eddy current test results used to determine the operability of the steam generators. By letter dated July 6, 1984, the NRC transmitted to the licensee a safety evaluation concluding that the identified defects from the eddy current test results do not constitute an undue hazard to the public health and safety. This conclusion is based on the defects being located in the tube sheet area of the steam generator where any primary to secondary leakage would be restricted by the tube sheet to less than 10 gpm. A 10 gpm leak rate can be easily made up by the plant's three charging pumps, each of which has a capacity of 46 gpm. On this basis, the staff evaluation concludes that the Prairie Island Nuclear Generating Plant Unit No. 1 can continue to operate provided that the primary to secondary leakage does not exceed 0.3 gpm and the technical specification TS 4.12.D.2 be amended to permit the operation to continue with defected tubes inservice until the end of the current fuel cycle (December 1984). Therefore, the Commission propose to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1 Washington County, Nebraska

Date of amendment request: June 8, 1984.

Description of amendment request: The amendment would change the administrative controls section of the technical specifications to reflect changes to the plant support and plant organizations. The plant support organization structure would be revised to reflect a planned licensee reorganization. A separate nuclear division will be added. The new division will provide dedicated management support to the Fort Calhoun Station. Under the current specifications, the Division Manager-Production Operations and the Section Manager-Operations have direct responsibility for all electrical generating facilities. Under the proposed specifications, the Section Manager-Operations positions will be eliminated, and the Manager-Fort Calhoun Station will report to the new Division Manager-Nuclear Production.

The plant organization will also be changed to reflect three new positions. As Low as Reasonable Achievable Coordinator, Radioactive Waste Coordinator, and Supervisor-Station Training. In addition, the title of Supervisor-Administrative Services will be changed to Supervisor-Administrative Services and Security. This title change reflects the correct title of this person.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870; April 6, 1983). One of the examples (i) of actions not likely to involve a significant hazards consideration is a purely administrative change to the technical specifications. The licensee has stated this the proposed changes are administrative in nature only. The staff proposes that the proposed changes are administrative in nature and fall within example (i). Therefore, the staff proposes to determine that the request involves no significant hazards considerations.

Local Public Document Room location: W. Dale Clark, Library, 215 South 15th Street, Omaha, Nebraska.

Attorney for licensee: LeBoeuf, Lamb, Leily, and MacRae, 1303 New Hampshire Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: James R. Miller.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: October 19, 1982 as modified by licensee letter dated June 4, 1984.

Description of amendment request: The proposed amendment would change Technical Specification Table 3.8.4.1–1 to add in section b. of the table, two previously omitted Type 3 molded case circuit breakers and correct several typographical errors in the table. In section a. of the table under the "Systems or Equipment Powered" column, the following typographical corrections are proposed: Item 14—change "HVE821F016" to read "HVB211F016;" Item 16—change "Heater" to read "Head;" Item 30—change "Heat" to read "Head;" and Item 33—change "Draw" to read "Drain." Under the "Circuit Breaker Location" column of the same section, this amendment would change Item 37 from "1B263087" to read "1B263081." In section b. of the table, this amendment would change the title from "Type 3 Molded Core Circuit Breakers" to read "Type 3 Molded Case Circuit Breakers."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain examples (48 FR 14870). One of the examples of an amendment which will likely be found to involve no significant hazards consideration is a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications (example (ii)). The proposed change to add two previously omitted Type 3 molded case circuit breakers constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. Thus, the Commission proposes to determine that this Technical Specification change falls within the Commission example (ii) and does not involve a significant hazards consideration.

Another example of an amendment which will likely be found to involve no significant hazards consideration is a purely administrative change to Technical Specifications, for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature (example (i)). The proposed typographical corrections constitute changes to correct errors. Thus, the Commission proposes to determine that the typographical corrections fall within the Commission example (i) and do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A Schwencer.

Pennsylvania Power & Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of Amendment Request: April 10, 1984.

Description of Amendment Request: The purpose of the proposed amendment request is to change Technical Specification Table 3.6.3–1, Primary Containment Isolation Valves, to reflect the installation of modifications to the Nitrogen Makeup System required by License Condition Item 1.a of Attachment 1 to Operating License No. NPF–22. Proposed changes to Technical Specification Table 3.6.3–1 include the addition of two new isolation valves, SV–25737 and SV–25767, currently listed under the Containment Atmosphere Sampling Category would be transferred to the Nitrogen Makeup category. The isolation signals for each of four valves would be "B", "Y", and "R". Additionally, the proposed change would delete isolation signal "R" from valves SV–25736B and SV–25776B under the Containment Atmosphere Sampling Category. With the modifications to the Nitrogen Makeup System, valves SV–25736B and SV–25776B are dedicated to the sampling lines and isolation on signal "R" is no longer required.

Basis for proposed no significant hazards consideration determination: The licensee in his letter of April 10, 1984, stated that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the addition of the nitrogen makeup line design is compatible with the FSAR requirements and engineering has been performed in accordance with plant design criteria to assure the required installation will not impact safety-related systems.

The integrated leak rate test has been performed and a correction factor included for the proposed added nitrogen makeup lines to the containment penetration. Bypass leakage effects remain unchanged by the proposed action. The licensee stated the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the design of the proposed new penetrations, isolation valves and isolation circuitry is in accordance with the existing design basis of the plant. The licensee also stated the proposed change does not result in a significant reduction in the margin of safety because this change will increase the safety margin of the as-built plant by ensuring that a single failure in the nitrogen makeup system isolation logic will not allow an uncontrolled release to the environment following a design basis accident. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Frankling Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for Licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: B. J. Youngblood.

Pennsylvania Power & Light Compang, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: May 15, 1985.

Description of amendment request: The proposed amendments would change Technical Specifications 3.4.1.1, 3.10.4, Bases 3/4.4.1 and add a new Technical Specification 4.4.1.1.4 and Figure 3.4.1.1–1 to resolve the BWR Core Thermal Hydraulic Stability issue discussed in General Electric Service Information Letter (GE–SIL) No. 380, Revision 1, dated February 10, 1984. Specifically, Technical Specification 3.4.1.1 would be changed from "Two reactor coolant system recirculation loops shall be in operation." to read "Two reactor coolant system recirculation loops shall be in operation and: a. total core flow shall be greater than or equal to 45 million lbs/hr, or b. THERMAL POWER shall be less than or equal to the limit specified in Figure 3.4.1.1–1." ACTION a. would be changed

from ". . . recirculation loop not in operation, be in at least HOT SHUTDOWN . . ." to read ". . . recirculation loop not in operation, immediately initiate an orderly reduction of THERMAL POWER to less than or equal to the limit specified in Figure 3.4.1.1–1, and be in at least HOT SHUTDOWN . . ." ACTION b. would be changed from ". . . recirculation loops in operation, immediately initiate measures . . ." to read ". . . recirculation loops in operation, immediately initiate an orderly reduction of THERMAL POWER to less than or equal to the limit specified in Figure 3.4.1.1–1, and initiate measures . . ." A new ACTION c. would be added to read: "With two reactor coolant system recirculation loops in operation and total core flow less than 45 million lbs/hr and THERMAL POWER greater than the limit specified in Figure 3.4.1.1–1: 1. reduce THERMAL POWER to less than or equal to the limit specified in Figure 3.4.1.1–1, or 2. increase core flow to greater than 45 million lbs/hr, or 3. determine the APRM and LPRM * * * neutron flux noise levels within 1 hour, and: (a) If the APRM and LPRM * * * neutron flux noise levels are less than three times their established baseline levels, continue to determine the noise levels at least once per 8 hours and within 30 minutes after the completion of a THERMAL POWER increase of at least 5% of RATED THERMAL POWER, or (b) if the APRM or LPRM * * * neutron flux noise levels are greater than or equal to three times their established baseline levels, immediately initiate corrective action and restore the noise levels within the required limits within 2 hours by increasing core flow to greater than 45 million lbs/hr, and/or by initiating an orderly reduction of THERMAL POWER to less than or equal to the limit specified in Figure 3.4.1.1–1." The associated footnote would read "* * * Detectors A and C of one LPRM string per core octant plus detectors A and C of one LPRM string in the center of the core should be monitored."

A new Technical Specification 4.4.1.1.4 would be added to read "Establish a baseline APRM and LPRM * * * neutron flux noise value at a point within 5% RATED THERMAL POWER of the 100% rated rod line with total core flow between 35% and 50% of rated total core flow during startup testing following each refueling outage." A new Figure 3.4.1.1–1, Thermal Power Limitations, would be added. This figure establishes a limit on core thermal power (% rated) as related to core flow (% rated). Technical Specification 3.10.4 would be modified to delete the phrase ". . . that recirculation loops be in operation . . ." to avoid possible future confusion with proposed changes in Technical Specification 3.4.1.1.

On page B 3/4 4–1, a new paragraph would be added to 3/4.4–1 RECIRCULATION SYSTEM between the first and second paragraphs. The new paragraph would read "THERMAL POWER, core flow, and neutron flux noise level limitations are prescribed in accordance with the recommendations of General Electric Service Information Letter No. 380, Revision 1, "BWR Core Thermal Hydraulic Stability," dated February 10, 1984."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the no significant hazards consideration standards by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a signficant hazards consideration, example (ii), relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The changes to Technical Specifications 3.4.1.1, and the addition of Technical Specification 4.4.1.1.4 and Figure 3.4.1.1–1 are changes which constitute an additional limitation, restriction or control not presently included in the technical specifications, and therefore, the NRC staff proposes to find that these changes do not involve a significant hazards consideration. Another example of actions not likely to involve a significant hazards considerations, example (i), relates to a purely administrative change to technical specifications to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The NRC staff proposes to find the changes to Technical Specification 3.10.4 and Bases 3/4.4.1 are purely administrative changes, and therefore do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer and B. J. Youngblood.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: April 12, 1984.

Description of amendment request: The licensee proposed changes to the Technical Specifications (TSs) to permit the substitution of a station battery service test for a performance test (rated discharge test) to fulfill the station battery (dc emergency power) surveillance requirements during each refueling outage. As a result of this change the performance test would then be required at every third refueling outage. The current TSs require the performance test to be performed once each operating cycle (i.e., at each refueling outage).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (vi) of actions involving no significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The proposed revision would permit the substitution of a battery service test once each refueling outage for the current TS requirement of a battery performance test once each refueling outage. A battery performance test would be required only every third outage. Since these changes meet the criteria provided and referenced in the Standard Review Plan for the battery service test and performance test surveillance intervals, these proposed changes appear to fit the example above. On this basis, the Commission proposes to determine that this amendment request involves no significant hazards considerations.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania,

Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: George W. Rivenbark, Acting.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: April 19, 1984.

Description of amendment request: The amendments would revise the current Technical Specification (TSs) in three areas. First, they would establish consistency throughout the TSs in the reactor water level setpoint values. The current TSs specify reactor water level setpoints at three different reference setpoints, e.g., in terms of inches above top of active fuel, inches above vessel zero, and instrument indicated levels. The proposed changes would establish consistency by identifying the setpoints in terms of the "instrument indicated level", with reference to the "inches above vessel zero". The amendments would also correct several errors in TSs relating to trip actuation setpoints based upon indicated reactor water levels. The second amendment request change would lower the main steam line isolation valve low water isolation setpoint from low-low to low-low-low reactor water level. This change was in response to NRC requirements in NUREG–0737, "Clarification of TMI Action Plan Requirements", Item 11.K.3.16 (Reduction of Challenges and Failures of Relief Valves). Finally, the licensee requested that the requirement for auditing of the Facility Emergency Plan and Implementing Procedures be revised to permit performing the audit at least "once per year" rather than "once per two years". This would bring the Peach Bottom TSs into compliance with the requirements of 10 CFR 50.54(t).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (i) of an action involving no significant hazards considerations is a change that is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The first changes discussed above match this example. These proposed changes involve corrections of errors as well as changes which provide consistency throughout the TSs.

The second change would reduce the instrument setpoint for Group 1 Isolation Valves on reactor low water level from "low-low" to "low-low-low" reactor water level in response to NUREG–0737, Item II.K.3.16. The system modifications on which this proposed TS change has been based have been found acceptable by the NRC staff. These system modifications neither compromise the performance of other systems nor increase the probability of an accident or malfunction of equipment important to safety. Therefore, the proposed TS change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety. Finally, the last proposed change would revise the TSs pertaining to the auditing of the Emergency Plan and Implementing Procedures. The proposed revision would require the audit to be performed "once per year" rather than "once per two years" as currently specified in the Peach Bottom TSs. This change is in accordance with guidance provided to the licensee in Generic Letter 82–17 (October 20, 1982) and 10 CFR 50.54(t). Another of the Commission's examples (ii) of an action involving no significant hazards considerations is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The above change matches this example of an action involving no significant hazards considerations.

Based upon the above, the Commission's staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room Location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: George W. Rivenbark, Acting.

Portland General Electric Company et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: June 1, 1984.

Description of amendment request: The amendment would provide improved technical specifications for the auxiliary feedwater pumps as requested by NRC in Generic Letter 83–37 of November 1, 1983.

Currently, the Trojan Technical Specifications for these pumps require that, if one safety-grade auxiliary feedwater pump (AFP) becomes inoperable, the inoperable pump be restored to service within 72 hours or the plant be placed in the hot shutdown mode within the next 12 hours.

Under the proposed change, this requirement would be retained and additional requirements added for the case of (a) both safety-grade AFPs inoperable, and (b) both safety-grade and electric (non-safety-grade) AFPs inoperable. Specifically, with both safety-grade AFPs inoperable, the plant would be placed in the hot standby mode within 6 hours and in the hot shutdown mode within the following 6 hours, provided that the electric AFP is operable. With no AFPs at all operable, corrective action to restore at least one AFP would be undertaken and power reduced to 35%.

The amendment would also add a surveillance requirement for the electric AFP consisting of starting it quarterly to confirm operability and adequate discharge pressure.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples of an action not likely to involve a significant hazards consideration is "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example a more stringent surveillance requirement." The proposed technical specifications for the auxiliary feedwater pumps represent additional controls not presently contained in the technical specifications. Therefore, the Commission proposes to determine that the application for amendment does not involve significant hazards considerations.

Local Public Document Room Location: Multnomah County Library, 801 SW., 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Rochester Gas and Electric Corporation, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: January 18, 1984.

Description of amendment request: The proposed amendment would change the Technical Specifications to delete the restriction on the storage pattern of recently discharged fuel assemblies.

Basis for proposed no significant hazards consideration determination: In 1976, Rochester Gas & Electric (RG&E) replaced the original R.E. Ginna spent fuel storage racks, increasing the storage capacity of the pool by decreasing the center-to-center spacing of the storage locations. In Evaluating the radiological consequences of missiles, RG&E proposed a spent fuel storage pattern whereby the probability of a missile impact on spent fuel that had decayed less than 60 days was not increased by the closer spacing of stored assemblies. Therefore, the density of fission product inventory maintained in any local area was less than that which had been stored in the original storage racks. This was accepted by the NRC and the required storage pattern was incorporated into the Technical Specifications.

RG&E have now performed an analysis of the effect of a vertical and horizontal impact of the missile with the greatest potential for damage to the rack and contained fuel assemblies. Design values for tornado wind speed and missile characteristics were those established in the NRC review of Systematic Evaluation Program (SEP) Topics II–2, Wind and Tornado Loadings, and III-4.A, Tornado Missiles. This missile is characterized as a 1490 lb. Wood pole, 35 ft. in length with a diameter of 13.5 inches. The analysis assumed a tornado wind velocity of 132 mph and accounted for the drag effects of the pool water above the racks.

The results of this analysis indicated that vertical deformation of the rack would be no greater than 1.40 inches and there would be no deformation from a horizontal impact. This limited deformation does not change appreciably for higher tornado wind speeds. Additional margins are available to accommodate higher tornado wind speeds.

The worst position for impact of a missile would be centered on a fuel storage location where, because of the 13.5 inch diameter compared to a diagonal dimension to the box of 11.9 inches, the corners of four other fuel storage locations would be damaged. Because of the limited deformation of the storage box, it is difficult to postulate damage beyond the equivalent of one assembly. However, even assuming that all 5 fuel assemblies (100 hours after shutdown) were severely damage, and that all fuel assemblies could be moved to the spent fuel pool within 100 hours, and that all 5 fuel assemblies were peak power assemblies, the upper bound on the dose at the Exclusion Area Boundary (EAB) would be 60 rem. This result is well within 10 CFR 100 (330 rem).

The Commission has provided guidance concerning the application of standards for making a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). The requested action does not fall within the scope of the examples of such actions. Thus, the bases for concluding that the no significant hazards consideration determination, as specified in 10 CFR 50.92, has been met are delineated below.

First Standard—"(1) does not involve a significant increase in the probability or consequences of an accident previously evaluated"

In consideration of: (1) The unlikely event of a tornado missile penetrating the spent fuel and damaging the racks or fuel, and (2) a maximum of five fuel assemblies being severly damage, the upper bound on the dose would be 60 rem. In October 1981, the staff completed an evaluation of the consequences of a postulated fuel handling accident inside containment. The resulting calculated dose at the EAB was 96 rem. Both dose calculations are well below the 10 CFR 100 limit of 300 rem. While there would be an increase in the consequence in the event of an accident, there will be no significant increase in the consequence of a previously evaluated accident if this amendment is authorized. Deletion of the restriction on storage patterns for recently discharged fuel will not affect the probability of previously analyzed accidents one way or the other.

Second Standard—"(2) does not create the possibility of a new or different kind of accident from any accident previously evaluated"

The result of a tornado missile impacting the pool have been previously analyzed. The effect of the proposed amendment would permit changes in the spent fuel storage pattern but would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Third Standard—"(3) does not involve a significant reduction in a margin of safety"

By virtue of the analysis which shows that even in the worst case (i.e., tornado missile hitting five assembles), the predicted maximum dose is well below 10 CFR 100, the change will not involve a significant reduction in a margin of safety.

Because it appears that the standard of 10 CFR 50.92 would be met, the staff proposes to determine that the proposed action would involve no significant hazards considerations.

Local Public Document Room location: Rochester Public Library, 115 South Avenue Rochester, New York 14604.

Attorney for licensee: Harry H. voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

South Carolina Electric & Gas Company, South Carolina Public Service authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: March 30, 1984.

Description of amendment request: The amendment would delete license condition 2.C.(15) which requires control room installation of the residual heat removal system (RHRS) suction isolation valve power lockout capability.

Basis for proposed no significant hazards consideration determination: Power is being and will continue to be locked out to the RHRS suction isolation valves during normal operation by administratively locking open the circuit breakers at the motor control. centers. Approximately 10 minutes are required for an operator to proceed from the control room to the breaker locations and unlock and close the breakers during normal shutdown when this is required. Personnel located outside the control room can perform these actions even quicker. The breakers can be reached without passing through a high radiation area or other adverse environmental condition.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involve in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not: (1) Involve a significant

increase in the probability or consequences of an accident previously evaluated because the requirement to install the power lockout capability in the control room was for ease of operations during normal shutdown and not related to any accident scenario, (2) create the possibility of a new or different kind of accident from any accident previously evaluated because power will continue to be locked out to the valves when required, or (3) involve a significant reduction in a margin of safety because the requirement for control room installation was not related to any accident scenario and there is plenty of time during normal shutdown to perform the 10 minute procedure to restore power. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29218

NRC Branch Chief: Elinor G. Adensam, Chief.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of Amentment request: August 27, 1980, superseded by letter dated June 8, 1984.

Description of amendment request: This amendment (Proposed Change 135) modifies limiting conditions for operation in the Technical Specifications (TSs) to address both the auxiliary salt water cooling pumps and the screen wash pumps as backup systems for short periods of time when one of the salt water cooling water pumps may be inoperable. The proposed change includes a time limit for operation in Modes 1 through 4 with the backup pumps, an action statement if the time limit is exceeded, and requires testing of the backup pumps. This amendment request was submitted in response to the staff evaluation of October 28, 1983 which rejected Proposed Change No. 98 (submitted August 27, 1980), and requested submittal of a revised proposed TS change.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazard consideration by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples of action likely to involve no significant hazards consideration relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specification. The proposed amendment adds a time limit for restoring inoperable pumps to operable and an action statement if it is not restored, which do not presently exist in Technical Specification 3.3.1.A(1). Furthermore, the reliability of the salt water cooling system will be increased by use of the auxiliary salt water cooling pump and the two screen wash pumps as backups to the two salt water cooling pumps. On this basis, the staff proposes to determine that the requested action does not involve a significant hazards consideration in that it (1) does not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) does not create the possibility of a new or different kind of accident from an accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocker, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of Amendment request: May 17, 1984.

Description of amendment request: The proposed amendment would modify the Technical Specifications related to the Auxiliary Feedwater System (AFWS). A new auxiliary feedwater storage tank (AFWST) and two new parallel suction lines to the auxiliary feedwater pumps have been constructed. These modifications, which are part of the seismic upgrades for the plant return to service, also provide resolution of long-term recommendation GL–2 of TMI Action Item II.E.1.1. Limiting conditions for operation and surveillance requirements are provided for the AFWST which specify the minimum inventory of water to be maintained as 150,000 gallons, which will provide sufficient water to conform to the requirements of Branch Technical Position 5–1. These new specifications replace specification 3.4.1(3), which required that a total of 120,000 gallons of water be maintained for auxiliary feedwater in other tanks. The specifications relating to AFWS surveillance (Section 4.1.9) have been revised to reflect installation of the redundant suction paths to the auxiliary feedwater pumps. Requirements for surveillance testing of the AFWS manual and automatic actuation logic channels have been added as required by the staff evaluation of TMI Action Plan Item II.E.1.2.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration by providing certain examples (April 6, 1983, 48 FR 14870). Example (ii) of the actions likely to involve no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. The licensee concludes that "the Proposed change constitutes the imposition of more stringent limiting conditions for operation and surveillance requirements regarding the AFWS . . . therefore, this proposed change is similiar to example (ii) . . . ." The Staff agrees that the proposed amendment falls within the category of the cited example and proposes to determine that it would not involve a significant hazards consideration in that it: (1) Does not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) does not create the possibility of a new or different kind of accident from an accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of Amendment request: May 17, 1984.

Description of amendment request: The proposed amendment would modify license condition 3.E to: (1) Delete the

requirement for a shutdown for steam generator inspection within 6 equivalent months of operation from the start of Cycle 8 operation; and (2) insert the requirement for a shutdown for steam generator inspection within 6 equivalent months of operation after the start of operation from the backfitting outage that commenced on February 27, 1982. The requirements to submit the inspection program 45 days prior to the shutdown and to obtain Commission approval before resuming power operation after the inspection are unchanged.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (iv) of actions likely to involve no significant hazards consideration relates to a relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. The shutdown within 6 equivalent months of start of operation of Cycle 8 occured in February 1982. The staff's safety evaluation report of February 7, 1984, concluded that these inspections confirm that the margin of safety for continued operation is maintained. Therefore, the existing condition 3.E has been satisfied and may be deleted.

In that February 7, 1984, safety evaluation, the staff also concluded a 6 equivalent month inspection interval was still appropriate and, and should be continued for future operation and, therefore, requested that the licensee propose a license condition requiring a shutdown with 6 equivalent months of operation after return to power from the present outage. This is a constraint on oparation not presently in the license and, therefore, this change falls with example (ii) of the Commission's guidelines, a change that constitutes an additional limitation, restriction or control not presently included. On this basis, the staff proposes to determine that the proposed changes would not involve a significant hazards consideration determination in that they: (1) Do not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) do not create the possibility of a new or different kind of accident from an accident previously evaluated; and (3) do not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: May 17, 1984.

Description of amendment request: A Reactor Coolant System's (RCS) pressure-temperature limits must be revised periodically to take into account irradiation of the reactor pressure vessel. Various curves are used to analyze the RCS's pressure-temperature limits. The proposed amendment would revise Appendix A Technical Specification (TS) 3.1.3 "Combined Heatup Cooldown and Pressure Limitations," to require that these periodic updates to the curves be submitted for NRC review and approval by license amendment. This proposed change was submitted in response to a Staff request dated November 22, 1983. The present Technical Specifications permit the licensee to update these curves, using specified procedures, without NRC approval. The curves now in effect and their basis will also be reviewed as part of this amendment request.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). Examples (ii) involves a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement.

The licensee's Safety Evaluation provides that the updated curves were developed using the latest test results of neutron fluence to maintain the same margin of safety for plant operation using the methods specified in Appendix G to 10 CFR Part 50. The licensee's proposed amendment would also require NRC review and approval of the updated heatup/cooldown curves in the (TSs), as well as for any future changes, because the curves must be updated by a license amendment. Therefore, the Staff proposes to determine that the amendment: (1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) does not create the possibility of a new or different kind of accident from any previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: May 23, 1984.

Description of amendment request: This amendment would incorporate a license condition requiring Southern California Edison Company to establish a plan for managing capital backfits, which would require SCE to maintain current revisions of schedules, to update the schedules semiannually and to submit the revised schedules to the NRC. The license condition is consistent with Generic Letter 83–20, "Integrated Scheduling of Plant Modifications" dated May 9, 1983, and it codifies the method by which the schedule for backfits will be determined.

Basis for proposed no significant hazards consideration determination: The Commission has provided guiudance concerning the application of standards of no significant hazards consideration by providing certain examples (April 6, 1983, 48 FR 14870). A combination of two of those examples are similar to this license amendment request. Example (i) relates to a purely administrative change to the technical specifications. Example (ii) involves a change that constitutes an additional limitation, restriction or control not presently included. The licensee's safety analysis for this change contains a discussion of the incorporation of a license condition requiring use of a plan to provide for scheduling modifications and notification of scheduling changes. The licensee's Safety Analysis acknowledges that the NRC may enforce implementation on dates that are required by regulation and allows flexibility in the implementation of other backfits. On this basis, the staff proposed to determine that the requested action would involve a no significant hazards consideration

determination in that it: (1) Does not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: June 8, 1984.

Description of amendment request: This submittal is a revision to the request for amendment dated April 4, 1980, which was noticed in the monthly **Federal Register** notice on August 23, 1983 (48 FR 38422). The proposed amendment (Proposed Change 136) would modify the Technical Specifications (TSs) to add limiting conditions for operation and surveillance requirements for fire protection features that have been installed in accordance with the NRC's Fire Protection Safety Evaluation Report dated July 19, 1979. The June 1984 submittal supersedes the April 1980 submittal.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of action likely to involve no significant hazards consideration relates to a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. Example (vi) is a change which may in some way reduce a margin of safety but where the change is clearly within acceptable criteria. The proposed changes fall in these two categories.

In the first category (additional limitations), limiting conditions for operation, action statements, and surveillance requirements have been added for foam suppression systems, Halon suppression systems, and fire rated assemblies. The required redundancy for the fire suppression water system has been enhanced to require that three fire suppression pumps (presently only two) be aligned to the fire suppression header. Two separate water supplies (one from Unit 1 and at least one from Units 2/3) each with a minimum volume of 300,000 gallons shall be OPERABLE; one supply is presently required. Surveillance of correct valve position every 31 days for spray/sprinkler system valves outside containment has been added.

In the category of example (vi), the operability requirements for spray/sprinkler systems, fire hose stations, and fire detection instrumentation have been changed to apply only when equipment protected by these systems is required to be operable. These protective features will be operable whenever the equipment they protect is required and thus this change does not affect the consequences of any accident or result in a significant reduction in a margin of safety.

The action statement for when a spray/sprinkler system is inoperable has been changed from a continuous fire watch to establish operability of either the fire detection system or of all alternate automatic suppression systemns for the affected fire area.

If neither of these is available, an hourly fire patrol will be established for areas outside containment where a fire would not affect redundant safe shutdown systems and, for inoperable fire suppression systems that protect redundant safe shutdown systems outside containment, a continuous fire watch would still be required. For areas inside containment, a containment inspection every 8 hours will be done if containment is accessible during plant operation; otherwise, containment air temperature at specified locations is required once per hour.

Operability of either a fire detection system or alternate fire suppression system will ensure that a fire is promptly detected and extinguished. Hourly fire watches in areas without redundant safe shutdown equipment will not significantly affect the probability or consequences of a fire since safe shutdown is not affected. The use of containment air temperature measurements is given as an acceptable alternative when fire detection instrumentation is inoperable in the San Onofre Unit 1 Technical Specifications. Thus, the above measures do not significantly reduce the margin of safety. The proposed amendment, therefore, falls within the category of the cited examples and the staff proposes to determine that the amendment would not involve a significant hazards consideration determination in that it: (1) Does not involve a significant increase in the probability or consequences of a previously evaluated accident; (2) does not create the possibility or a new or different kind of accident from an accident previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, et al, Docket No. 50–362, San Onofre Nuclear Generating Station, Unit 3, San Diego County, California

Date of amendment request: January 25, 1983 (PCN–15).

Description of amendment request: The amendment would change Appendix A Technical Specification 3.4.1.4.1, "REACTOR COOLANT SYSTEM; COLD SHUTDOWN-LOOPS FILLED" to allow removal of both trains of shutdown cooling from service while in MODE 5, provided that one reactor cooland pump is in operation and both reactor coolant loops are operable.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. In this case, the proposed specification is very similar to the existing specification for MODE 4 (Technical Specification 3.4.1.3), and the major differences between plant conditions in MODE 4 and MODE 5 (Loops filled) are temperature, pressure and required SHUTDOWN MARGIN. These differences have been reviewed and found not to be significant. accordingly,

the Commission proposed to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Attorneys for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Southern California Edison Company, et al, Docket No. 50–362, San Onofre Nuclear Generating Station, Unit 3, San Diego County, California

Date of amendment request: January 25, 1983 (PCN–43).

Description of amendment request: The amendment would add the Manager of Station Security, the Manager of Station Emergency Preparedness, the Manager of Material and Administrative Services, and the Manager of Configuration Control and Compliance to the list of managers authorized to review and approve station procedures that govern activities in their respective areas of responsibility.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14780) of amendments that are considered not likely to involve significant hazards considerations. One of the examples, (i) relates to a purely administrative change to the Technical Specifications (TS), for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. The proposed change authorizes additional functional managers of the Station staff to review and approve Station procedures and changes thereto that govern activities in their respective areas of responsibility. These managers are qualified, by virtue of their education, experience, and training to provide this function. The Station Manager retains overall responsibility for procedures as required by TS 6.5.2.1. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration because this change to the TS affects only the present organizational structure of the plant staff and has no effect on the operating parameters of the facility.

Local Public Document location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Attorney for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: April 19, 1983 as modified April 13, 1984.

Description of amendment request: This application modifies an earlier amendment submittal in its entirety, using a format more closely resembling that of Standard Technical Specifications (STS) for Westinghouse Pressurized Water Reactors. The proposed amendments would provide operability and surveillance requirements for fire suppression and associated systems, including the fire main loop water supply system, halon suppression systems, water sprinkler systems, fire hose stations, fire detectors and fire barriers.

The provisions of this amendment request are essentially the same as the earlier submittal with the following exceptions:

(1) The previous submittal has been revised such that, when certain fire protection systems are inoperable, a fire watch inspection shall be conducted hourly instead of twice per shift.

(2) The requirement for reactor shutdown in the event of an inoperable main loop water supply has been deleted.

(3) Special reporting requirements have been added similar to those of the STS.

(4) A qualification has been added that the provisions of Specification 15.3.0 are not applicable. A similar qualification is contained in the STS.

(5) Operability requirements for fire protection systems have been expanded to require operability whenever the protected systems are required to be operable.

(6) The Table 15.3.14–1 listing safe shutdown area fire protection systems has been revised to include additional safe shutdown areas, acknowledge availability of manual suppression fire hose stations in all areas and remove the numerical listing of fire detection devices. Statements regarding the minimum number of operable fire detection devices are contained in the operability requirements for fire detectors.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relate to purely administrative changes to the technical specifications, example (i). The majority of the changes in the earlier application are of this nature, in that the format of the proposed technical specifications has been modified to more closely resemble that of the Standard Technical Specifications (STS). The technical requirements of the revised amendment request have largely remained the same. The original amendment application and proposed no significant hazards consideration determination were published in the Federal Register on August 23, 1983 (48 FR 38382 at 38340). The basis for that proposed determination remains valid for the technical requirements which have not been revised in the licensee's updated application.

For the changes in technical requirements between the original and revised applications, the licensee has stated that these changes are consistent with the provisions contained in the STS for fire protection and therefore the changes to the original application involve no significant hazard. While the staff finds that the majority of the changes are consistent with the STS, those changes requiring stationing of a fire watch while certain fire protection equipment is inoperable are not consistent with the STS. The STS require stationing a continuous fire watch in addition to providing backup suppression capability for inoperable halon gas and water sprinkler systems in areas where redundant safe shutdown or components could be damaged and for other areas, an hourly fire watch is sufficient. The licensee has proposed an hourly fire watch for all areas where fire protection equipments are inoperable. While the licensee's proposed technical specifications do not meet the guidance of the STS with regard to stationing of fire watches, they do provide a significant upgrade over what was proposed in the original application (hourly fire watch inspections as opposed to the originally proposed twice per shift inspections). Further, fire detection capability will

still be retained in all areas and the requirement to supply backup fire suppression capability within one hour of discovering the inoperable fire suppression equipment will still be retained. The staff does not consider the differences between the licensee's proposed technical specifications and the STS great enough to constitute a significant hazard and therefore, proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: June 4, 1984.

Description of amendment request: The proposed amendment would make several changes. These changes are:

1. Administrative changes such as correction to words or sentences and clarifications which do not change the intent of the Technical Specifications.
2. Changes in nomenclature.
3. Changes in monitoring locations to be consistent with actual conditions and word changes to allow minor changes in the monitoring program which are necessitated by circumstances beyond the control of the licensee.
4. Changes in the on-site organization.
5. Changes related to procedure change approvals to reflect commitments to the Commission.
6. Change to the title of Vice President—Nuclear Power to Vice President—Power Production.

Basis for proposed no significant hazards consideration determination: This amendment includes administrative, clarifying, and organizational changes which do not affect reactor operations or accident analyses and have no radiological consequences. Therefore, operation in accordance with the proposed amendment clearly involves no signigicant hazards consderation, because the changes will not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that these changes do not involve a sigificant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: Steven E. Keane, Esquire, Foley and Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

NRC Branch Chief: Steven A. Varga.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of original notice.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of amendment request: June 11, 1984.

Description of amendment request: The proposed amendment would authorize approval of new versions of the Technical Specifications (TSs) for Dresden Units 2 and 3. The TSs are proposed to be revised, without changing the technical content, into a format which will have, and continue to have in the future, improved legibility and versatility.

Date of publication of individual notice in **Federal Register:** July 3, 1984 (49 FR 27385).

Expiration date of individual notice: August 2, 1984.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

NRC Branch Chief: Dennis M. Crutchfield.

Connecticut Light and Power Comapny, Western Massachusetts Electric Company and Northeast Nuclear Energy Company, Docket No. 50–245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: April 9, 1984.

Description: The amendment would change the technical specifications to allow return to full power operation for cycle 10 following the ninth fuel outage.

Date of publication of individual notice in **Federal Register:** May 30, 1984 (49 FR 22579).

Expiration date of individual notice: June 29, 1984.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: February 17, 1984.

Brief description of amendment: The amendments would allow spent fuel pool storage capacity expansion from 500 to 1463 spaces for each spent fuel pool. The proposed expansion is to be achieved by reracking each spent fuel pool with two region, poison racks. The amendment would also allow the storage of fuel with a maximum initial enrichment of up to 4 weight precent U-235.

Date of publication of individual notice in **Federal Register:** July 2, 1984 (49 FR 27225).

Expiration date of individual notice: July 30, 1984.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Florida Power & Light Company et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: March 13, 1984.

Brief description of amendment: The amendment would authorize the licensee to increase the spent fuel pool storage capacity from 300 to 1188 fuel assemblies.

Date of publication of individual notice in **Federal Register:** July 17, 1984 (49 FR 28948).

Expiration date of individual notice: August 16, 1984.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: March 14, 1984.

Description of amendments request: The amendment would permit the expansion of the spent fuel storage capacity for Turkey Point Plant Units 3 and 4. This expansion would be accomplished by reracking the existing spent fuel storage pools with neutron absorbing (poison) spent fuel racks composed of individual cells made of stainless steel. Reracking the spent fuel pools would increase the Turkey Point Plant Units 3 and 4 storage capacities from 621 to 1404 spaces for each of the units. The new fuel storage racks will be arranged in two discrete regions within each pool. Region I will consist of 286 locations which will normally be used for core off-loading. Region II will consist of 1118 locations and will provide normal storage for spent fuel assemblies meeting required burnup considerations. The existing fuel storage racks have a nominal centerline-to-centerline spacing of 13.7 inches. The new Region I fuel storage racks will have a 10.6 inch centerline-to-centerline spacing and Region II will be 9.0 inch centerline-to-centerline spacing. The major components of the fuel rack assemblies are the fuel assembly cell, Boraflex (neutron absorbing) material and the wrapper. the wrapper covers the Boraflex material and provides venting of the Boraflex to the pool environment.

The effective multiplication factor (K_{eff}) of the fuel assembly array is designed to maintain the required subcriticality of $K_{eff} < 0.95$ for both Regions I and II. The transmittal letter requesting the amendments dated March 14, 1984, includes the requested Technical Specification changes, the licensee's determination on significant hazards considerations and the supporting Spent Fuel Storage Facility Safety Analysis Report.

Date of publication of individual notice in **Federal Register:** June 7, 1984 (49 FR 23715)

Expiration date of individual notice: July 9, 1984.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad 1025 Connecticut Avenue, NW., Suite 1224, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Pacific Gas and Electric Company Docket No. 50–275, Diablo Canyon Nuclear Power Station, Unit 1, San Luis Obispo County, California

Date of amendment request: March 30, 1984.

Brief description of amendment: Changes to Technical Specifications concerning mechanical and hydraulic snubbers to accommodate changes in the pipe Support System necessitated by the Independent Design Verification Program and the Internal Technical Program.

Date of publication of individual notice in **Federal Register:** June 28, 1984 (48 FR 26658).

Expiration date of individual notice: July 30, 1984.

Local Public Document Room location: California Polytechnic State University Library, San Luis Obispo, California.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: January 23, 1984.

Brief description of amendment: The amendment would change the spent fuel pool storage capacity listed in Technical Specification 5.6 from 682 fuel assemblies to 1276 fuel assemblies in a three region storage design with a maximum initial enrichment of 4.3 weight percent U–235. The nominal center-to-center distance between spent fuel assemblies listed in Technical Specification 5.6 would be changed from 14 inches to slightly greater than 10 inches. A new Technical Specification 3/4.9.12 would be added describing the combination of initial enrichment and cumulative exposure for spend fuel assemblies necessary for storage in Regions 2 and 3. Technical Specifications 5.3.1 and 5.6.1.2 would be changed to reflect storage in the new fuel storage racks of new fuel assemblies for reload enriched up to a maximum of 4.3 weight percent U–235 instead of 3.5 weight percent U–235.

Date of publication of individual notice in **Federal Register:** June 29, 1984 (49 FR 26846)

Expiration date of individual notice: July 30, 1984.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Washington Public Power Supply System Docket No. 50–397, WNP–2, Richland, Washington

Date of amendment request: May 11, 1984.

Brief description of amendment request: This amendment would change the WNP–2 Technical Specification, Special Test Requirement 3.10.5 to allow suspension of containment inerting during the Power Assension Test Program (PATP) until either the required 100% of rated thermal power trip tests have been completed or the reactor has operated for 120 effective full power days, whichever occurs earlier. This amendment will also be an exemption from the requirement stated in 10 CFR 50.44, paragraph (C)(3)(i) which states: "Effective May 4, 1982 or 6 months after initial criticality, whichever is later, an inerted atmosphere shall be provided for each boiling light-water nuclear power reactor with a Mark I or Mark II type containment."

Date of publication of individual notice in **Federal Register:** June 18, 1984 (49 FR 24957).

Expiration date of individual notice: July 18, 1984.

Local Public Document Room location: Richland City Library, Swift and Northgate Streets, Richland, Washington.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of application for amendments: March 4, 1983, supplemented March 1, 1984.

Brief description of amendments: The amendments modify Technical Specifications to clarify and update the charcoal filter surveillance testing. Specific filter test efficiency requirements are shown rather than referencing Regulatory Guide 1.52. An existing error is also corrected since the plant design does not have a bypass filter system.

Date of issuance: June 22, 1984.

Effective date: June 22, 1984.

Amendment Nos.: 46 and 37.

Facilities Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17853). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 22, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment: July 5, 1983 (as revised on May 7, 1984).

Brief description of amendment: The amendment adds a license condition implementing the "Plan for the Long Term Program for Pilgram Nuclear Power Station."

Date of issuance: July 13, 1984.

Effective date: July 13, 1984.

Amendment No. 75.

Facility Operating License No. DPR–35. Amendment adds a license condition.

Date of initial notice in **Federal Register:** September 21, 1983 48 FR 43128.

Subsequent to the initial notice in the **Federal Register,** the Boston Edison Company submitted a revision of its application which incorporated minor editorial and schedular changes that are similarly administrative and within the scope of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 13, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington, South Carolina

Date of application for amendments: January 9, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to provide for storage of 10 additional fuel assemblies in the spent fuel pool in spaces previously identified as spare spaces.

Date of issuance: May 28, 1984.

Effective date: May 28, 1984.

Amendment No.: 81.

Facility Operating License No. DPR–23. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17857).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Commonwealth Edison Company, Docket Nos. 50–254/265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendment: April 14, 1983.

Brief description of amendment: These amendments authorize changes to the Technical Specifications (1) to implement the requirements of Appendix I of 10 CFR Part 50, (2) to establish new limiting conditions for operation for the quarterly and annual average release rates, and (3) to revise environmental monitoring programs to assure conformance with the Commission's regulations.

Date of issuance: June 19, 1984.

Effective date: Six months after June 19, 1984.

Amendment Nos.: 89 and 84.

Facility Operating License Nos. DPR–29 and DPR–30. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 48 FR 43132.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 19, 1984

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504 17th Street, Moline, Illinois 61265.

Consumer Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: September 29, 1983.

Brief description of amendments: The amendment approves Technical Specifications changes which modify the basis for the thermal margin/low pressure trip setting by including the acceptance criterion and results of a reanalysis of the control rod withdrawal transient that takes into account the response time of the temperature detectors providing input to these safety system instruments. The change is also reflected in the basis for the limit on linear heat rate.

Date of issuance: June 7, 1984.

Effective date: June 7, 1984.

Amendment No.: 82.

Provisional Operating License No. DPR-20. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (49 FR 52811).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 7, 1984. No comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Consumers Power Company, Docket No. 50-255, Palisades Plants, Van Buren County, Michigan

Date of application for amendment: August 29, 1983.

Brief description of amendment: The amendment approves a Technical Specification change which deletes the third (spare) high pressure safety injection pump from the design features in Section 5.3.3.

Date of issuance: June 19, 1984.

Effective date: June 19, 1984.

Amendment No. 83.

Provisional Operating License No. DPR-20.: The amendment revised the Technical Specification.

Date of initial notice in Federal Register: March 22, 1984 (49 FR 10732).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 19, 1984. No comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: November 2, 1983.

Brief description of amendment: The amendment deletes the requirements set forth in Item A., B., and C. of Part IV of the Commission's November 9, 1979 Order Modifying License.

Date of issuance: July 6, 1984.

Effective date: July 6, 1984.

Amendment No. 84.

Provisional Operating License No. DPR-20. The amendment deleted requirements of the Commission's November 9, 1979 Order Modifying License.

Date of initial notice in Federal Register: March 22, 1984 (49 FR 10733).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 6, 1984. No comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of applications for amendments: November 18, 1983.

Brief description of amendments: The Amendments change the Technical Specifications to replace diesel fuel oil tests with a series of different test ensuring quality fuel oil for use in the emergency diesel generators.

Date of issuance: June 5, 1984.

Effective date: July 5, 1984.

Amendment Nos.: 33 and 14.

Facility Operating License Nos. NPF-9 and NPF-17.: Amendments revised the Technical Specificaitons.

Date of initial notices in Federal Register: January 26, 1984 (49 FR 3374).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 5, 1984. No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station) North Carolina 28242.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: November 17, 1983.

Brief description of amendment: The amendment changes the Technical Specifications to delete the specifications and corresponding Bases for the containment mechnical vacuum pumps, which are not engineered-safety-feature equipment and are not used to prevent or mitigate consequence of accidents.

Date of issuance: June 19, 1984.

Effective date: June 19, 1984.

Amendment No. 78.

Facility Operating License No. DPR-66.: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 24, 1984 (49 FR 7034).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 19, 1984.

No significant hazards consideration comments received: None.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: January 17, 1983, as supplemented on November 1 and December 16, 1983 and March 22, 1984.

Brief description of amendment: This change revises the Radiological Effluent Technical Specifications (RETS) to implement the requirements of 10 CFR 50, Appendix I, and other requirements related to keeping releases of radioactive materials to unrestricted areas during normal operations as low as is reasonably achievable.

Date of issuance: June 27, 1984.

Effective date: July 1, 1984.

Amendment No.: 69.

Facility Operating License No. DPR-72.: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 28, 1983 (48 FR 49946); May 23, 1984 (48 FR 21829).

The Commission's related evaluation is contained in a Safety Evaluation dated June 27, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of applications for amendments: March 10, 1982 and June 11, 1982.

Brief description of amendment: The amendments revise the Technical Specifications (TSs) for Hatch Unit 1 to (1) establish a Limiting Condition for Operation for the loss of secondary containment integrity, and (2) clarify operability requirements for the standby Gas Treatment System.

The amendments also revise the TSs for both Hatch Unit 1 and Unit 2 to allow a single report for failed Type B and C leak test reports within 30 days after the outage during which the tests are conducted.

Date of issuance: June 20, 1984.

Effective date: June 20, 1984.

Amendments Nos.: 100 and 37.

Facility Operating Licenses Nos. DPR-57 and NPF-5. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: September 21, 1983, 48 FR 43136 (for applications dated March 10, 1982 and June 11, 1982).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 20, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of applications for amendments: April 22, 1983 and September 9, 1983.

Brief description of amendments: The amendments revise the TSs for Hatch Unit 1 to: reflect common reactor vessel water levels established in response to NUREG–0737, Item II.K.3.27 and for Hatch Unit 2 to reflect the modifications to pipe break detection circuitry made in response to NUREG–0737, Item II.K.3.15.

The amendments also revise the TSs for both Hatch Unit 1 and Unit 2 to: (1) In response to NUREG–0737, Item I.A.1.3, limit working hours of staff who perform safety-related functions; (2) in response to NUREG–0737, Item II.K.3.3, require reporting of safety/relief valve failures and challenges; (3) reflect RCIC automatic restart logic installed in response to NUREG–0737, Item II.K.3.13; and (4) reflect RCIC suction transfer logic installed in response to NUREG–0737, Item II.K.3.22.

Date of issuance: July 11, 1984.

Effective date: July 11, 1984.

Amendments Nos.: 101 and 38.

Facility Operating Licenses Nos. DPR–57 and NPF–5. Amendments revised the Technical Specifications.

Date of initial notices in **Federal Register:** October 26, 1983, 48 FR 49586 and April 25, 1984, 49 FR 17861.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 11, 1984. No significant hazards consideration comments received: No.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment requests: (1) January 23, 1984, as supplemented April 3, 1984, June 7, 14 and 15, 1984; and (2) April 3, 1984. This amendment also includes action on a request dated February 6, 1984, as supplemented April 3, 1984, June 20 and 27, 1984, which is being separately noticed.

Brief description of amendment: The amendment revises the Hatch Unit 2 Technical Specifications to (1) introduce a new fuel type, (2) change the Operating Limit Minimum Critical Power Ratio so that subsequent cycles could be licensed under 10 CFR 50.59, (3) use the new Hybrid I control rod assemblies, (4) insert four assemblies around the Source Range Monitor detectors, and (5) install the Analog Transmitter Trip System (ATTS).

Date of issuance: July 13, 1984.

Effective date: July 13, 1984.

Amendment No.: 39.

Facility Operating License No. NPF–5. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 15, 1984, 49 FR 20580 and 49 FR 20584. Subsequent to the initial notice in the **Federal Register**, Georgia Power Company, by letters dated June 7, 14 and 15, 1984, submitted additional correspondence related to the January 23, 1984 application. This correspondence did not alter the substance of the licensees' request, but was provided as confirmatory documentation of our understanding.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 13, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: December 21, 1983, which supersedes application dated July 13, 1983, as supplemented by letter dated May 15, 1984 and clarified by letter dated March 23, 1984.

Brief description of amendment: The amendment authorizes changes to the Appendix A Technical Specifications provisions pertaining to the Scram Discharge Volume in Section 3.1, Protective Instrumentation and in Section 4.2, Reactivity Control.

Date of Issuance: June 20, 1984.

Effective date: June 20, 1984.

Amendment No.: 73.

Provisional Operating License No. DPR–16. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 10535).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated June 20, 1984. No public or State comments were received with respect to the Commission's determination that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, Docket No. 50219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of Amendment request: July 18, 1983 as supplemented February 1 and March 12, 1984.

Brief description of amendment: The amendment authorizes changes to the Appendix A Technical Specifications to include action statements applicable to the loss of secondary containment integrity.

Date of issuance: June 19, 1984.

Effective date: June 19, 1984.

Amendment No.: 74.

Facility Operating License No. DPR–16. This amendment modifies the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17861).

The Commission's related environmental evaluation of the amendment is contained in a Safety Evaluation dated June 19, 1984. No significant hazards consideration comments received: No.

Local Public Document Room location: 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: January 26, 1984.

Brief description of amendment: This amendment removes the previous limits on receipt, possession, and use of byproduct, source, or special nuclear material and permits receipt, possession, and use of such materials as required for sample analysis, instrument calibration, testing and uses associated with radioactive apparatus.

Date of issuance: June 12, 1984.

Effective date: June 12, 1984.

Amendment No.: 96.

Facility Operating License No. DPR–50. Amendment revised the license.

Date of individual notice in **Federal Register:** May 11, 1984, 49 FR 20089.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 12, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and

Walnut Streets, Harrisburg, Pennsylvania 17126.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: February 9, 1984.

Brief description of amendment: The amendment adds Technical Specifications covering limiting conditions for operation and surveillance requirements for the Reactor Coolant System high point vents.

Date of isssuance: June 21, 1984.

Effective date: June 21, 1984.

Amendment No.: 97.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984, 49 FR 17862.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 21, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Indiana and Michigan Electric Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan

Date of application for amendment: March 1, 1984, as supplemented by letters dated March 15, 23, 28, April 19, May 4, 11, 17, 21, 23, June 1, 4, 1984, and supported by letters dated September 9, and November 11, 1983.

Brief description of amendment: The amendment, as a result of the Cycle 5 reload review, revises the Technical Specifications on the acceptable relationship between the reactor coolant system total flowrate, radial pin peaking factor ($F^N_{\Delta H}$) and power level as a result of emergency core cooling system/loss of coolant accident analysis with up to 5% of the steam generator tubes plugged. The amendment also revises the Technical Specifications to require 50% of the ice condenser doors to be tested each 9 months (rather than 25% every 6 months), adds containment penetration isolation valves on the Containment Service Air systems to Table 3.6–1 with appropriate surveillance isolation times, change the reactor coolant system T_{avg} for four loop operation to account for instrument uncertainties, changes the flow balance test requirements for the Safety Injection System to account for greater miniflow, provides more conservatism for net position suction head for the pumps under accident condition, adds the group demand counters to show rod positions during rod drop tests, and makes a number of editorial changes including some deletions of statements no longer applicable to plant operation. The amendment, as a result of the Cycle 5 reload review, also changes the licensing condition 2.C.3(p) by deleting requirements for the seismic analysis of the fuel and revised calculations using the RODEX 2 code.

Date of issuance: June 18, 1984.

Effective date: June 18, 1984.

Amendment No.: 64.

Facility Operating License No. DPR–74. Amendment revised the Technical Specifications and license conditions.

Date of initial notice in **Federal Register:** April 11, 1984 (49 FR 14458).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 18, 1984.

No Significant Hazards Consideration comments received: No.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: August 26, 1983.

Brief description of amendment: This amendment revises the Technical Specifications to add surveillance requirements to Low-Low Setpoint logic function associated with the Mark I containment modification program.

Date of issuance: June 25, 1984.

Effective date: June 25, 1984.

Amendment No.: 102.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 21, 1983, 48 FR 56506.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 25, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: January 27, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate changes to the Duane Arnold Energy Center (DAEC) Technical Specifications. The January 27, 1984 application requested several changes related to NUREG–0737 requirements contained in NRC Generic Letter 83–36, and other miscellaneous items. This Amendment, however, relates only to items II.F.1.1 and II.F.1.2 of Generic Letter 83–36. Other items in the January 27, 1984 application will be handled in separate actions.

Date of issuance: July 9, 1984.

Effective date: July 9, 1984.

Amendment No.: 103.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1984, 49 FR 10736.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 9, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: May 3, 1983.

Brief description of amendment: This revision to the Technical Specifications adds Limiting Conditions for Operation and surveillance requirements for Radioactive Material Sources.

Date of issuance: June 28, 1984.

Effective date: June 28, 1984.

Amendment No.: 63.

Facility Operating License No. DPR–63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983, 48 FR 33082.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Northeast Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Generating Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: December 13 and 28, 1983.

Brief description of amendment: Change battery testing requirements to be consistent with Standard Technical Specifications and with Regulatory Guide 1.129, Revision 1. Also, change reactor coolant chemistry limits to be consistent with Standard Technical Specifications and Regulatory Guide 1.56, Revision 1.

Date of issuance: June 21, 1984.

Effective date: June 21, 1984.

Amendment No.: 99.

Provision Operating License No. DPR–21. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 18739).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 21, 1984. No comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06358.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: March 9, 1984.

Brief description of amendment: The amendment added limiting conditions for operation and surveillance requirements for reactor coolant system vents and administrative requirements for sampling and analysis of plant effluents.

Date of issuance: July 9, 1984.

Effective date: July 9, 1984.

Amendment No.: 80.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17850 at 17867).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 9, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Omaha Public Power District, Docket No. 50–285, Fort CAlhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: March 9, 1984.

Brief description of amendment: The amendment added operability and surveillance requirements for the containment wide range radiation monitors, wide range noble gas stack monitors, and main steam line radiation monitor.

Date of issuance: July 12, 1984.

Effective date: July 12, 1984.

Amendment No.: 81.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17850 at 17867).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 12, 1984.

No significant hazasrds consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: March 16, 1984.

Brief description of amendments: These amendments change the Technical Specifications to permit the use of hourly fire watch where there are operable fire detectors in the event of non-functional fire barrier penetrations. In addition, the effectiveness date of Section 3.14.D.2 covering all fire barrier penetrations required to ensure safe shutdown capability is specified for Unit 2 to be no later than the end of the Unit 2 refueling outage and for Unit 3 no later than September 15, 1984.

Date of Issuance: June 20, 1984.

Effective date: June 20, 1984.

Amendment Nos. 98 and 100.

Facility Operating Licenses Nos. DPR–44 and DPR–56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984, 49 FR 17870.

The Commission's related evaluation of the amendments is contained in a letter and Safety Evaluation dated June 20, 1984.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of applications for amendments: December 23, 1981, as supplemented March 30, 1983, June 2, 1983 and September 29, 1983.

Brief description of amendments: The amendments revised the Technical Specifications to add trip setpoints, a limiting condition for operation and surveillance requirements for design modifications to the Peach Bottom Reactor Protection System.

Date of issuance: June 21, 1984.

Effective date: June 21, 1984.

Amendments Nos. 99 and 101.

Facility Operating Licenses Nos. DPR–44 and DPR–56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49591 and April 25, 1984, 49 FR 17869.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 21, 1984. No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: February 11, 1982, as supplemented August 24, 1983.

Brief description of amendments: The amendments consist of Technical Specifications (TSs) changes to add operability and survellance requirements addressing TMI Action Plan items II.K.3.3. (Reporting of Safety and Relief Valve Failures and Challenges), II.K.3.13 (High-Pressure Coolant Injection and Reactor Core Isolation Cooling System Initiation), and II.K.3.15 (Isolation of High-Pressure Coolant Infection and Reactor Core Isolation Cooling Modifications). The remaining items of the application will be acted upon at a later date.

Date of Issuance: July 2, 1984.

Effective date: July 2, 1984.

Amendments Nos.: 100 and 102.

Facility Operation Licenses Nos. DPR–44 and DPR–56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49591.

The Commission's related evaluation of the amendments is contained in a letter and Safety Evaluation dated July 2, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: March 24, 1981 as supplemented by letters dated August 6, 1981, December 13, 1982, June 2, 1983, September 14, 1983, and January 26, 1984.

Brief description of amendments: These amendments revise the testing requirements for hydraulic shock suppressors (snubbers), add new requirements for mechanical snubber operability and testing, and add new references to Table 3.11.D.1 to reflect recent Peach Bottom modifications. These changes to the TSs also permit a one-time relief from the functional testing of mechanical snubbers. The one-time relief is granted until the first refueling outage commencing one year after NRC approval of this amendment.

Date of Issuance: July 2, 1984.

Effective date: July 2, 1984.

Amendments Nos.: 101 and 103.

Facility Operating Licenses Nos. DPR–44 and DPR–56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49591. By letter dated January 26, 1984, the licensee resubmitted Table 3.11.D.1 in a revised format appropriate for direct insertion in the Peach Bottom TSs. These changes did not involve any changes to the previous submittals noted in the **Federal Register** notice of October 26, 1983 and were only editorial in nature. The Commission's related evaluation of the amendments is contained in a letter and Safety Evaluation dated July 2, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publication Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: January 23, 1984.

Brief description of amendment: This amendment revises Section 3.7.A.9.a of the Technical Specifications to permit the primary containment atmosphere monitoring (CAM) system to be isolated during those periods when the post-accident sampling system is being tested for operability or used for personnel training.

Date of issuance: June 28, 1984.

Effective date: June 28, 1984.

Amendment No.: 81.

Facility Operating License No. DPR–59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984, 48 FR 21835.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: March 28, 1983 and February 6, 1984.

Brief description of amendments: These amendments: (1) Add existing manual initiation function for the auxiliary feedwater systems to the Technical Specifications, and (2) change the Air Locks Surveillance requirement in the Technical Specifications.

Date of issuance: July 16, 1984.

Effective date: July 16, 1984.

Amendment Nos.: 56 and 24.

Facility Operating Licenses Nos. DPR–70 and DPR–75: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49594).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 16, 1984.

No significant hazards consideration comments have been received.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: February 28, 1984.

Brief description of amendment: The amendment changes the surveillance interval for calibration of the three area radiation monitors inside the containment from quarterly to at every refueling outage.

Date of issuance: June 29, 1984.

Effective date: June 29, 1984.

Amendment No.: 54.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 9, 1984, 49 FR 9036.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 29, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: January 26, 1983.

Brief description of amendment: The amendment revises the Technical Specifications for the reactor coolant system pressure-temperature limits for operation to 8.0 effective full power years.

Date of issuance: July 11, 1984.

Effective date: July 11, 1984.

Amendment No.: 55.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983, 48 FR 52826.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 11, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of applications for amendment: January 18 and March 22, 1984.

Brief description of amendment: The amendment modifies the Technical Specifications to add a surveillance requirement for a channel check to be performed at least once per twelve hours, add an action statement for both hydrogen monitors being inoperable, and delete a one time only exception for performance of initial criticality which was granted in Amendment No. 4.

Date of issuance: July 2, 1984.

Effective date: July 2, 1984.

Amendment No.: 25.

Facility Operating License No. NPF-12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17873).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 2, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit 1, San Diego County, California

Date of application for amendment: December 5, 1983.

Brief description of amendment: The amendment modifies the Technical Specifications to provide functional redundancy in the decay heat removal methods during all modes of plant operation.

Date of issuance: July 6, 1984.

Effective date: 90 days from the date of issuance.

Amendment No. 77.

Provisional Operating License No. DPR-13. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 10746).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 6, 1984. No significant hazards consideration comments received; No.

Local Public Document Room location: San Clemente Branch Library, 242 Avendia Del Mar, San Clemente, California 92672.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: November 7, 1983.

Brief description of amendment: The amendments change the Technical Specifications to eliminate the need for portable fuel loading chambers or periodic SRM source checks during a full core reload with both fresh and irradiated fuel.

Date of issuance: June 25, 1984.

Effective date: June 25, 1984.

Amendment Nos.: 101, 95 and 68..

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 24, 1984 49 FR 7044.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 25, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: September 14, 1982.

Brief description of amendment: These amendments change the Technical Specifications to correct errors in the table of primary containment isolation valves, specify action required in the event of a rod block monitor channel failure, update the list of welded joints requiring inservice inspection—on Units 2 and 3, correct typographical errors, modify access control requirements for high radiation areas and incorporate 10 CFR Part 50 Appendix J reporting requirements.

Date of issuance: July 2, 1984.

Effective date: July 2, 1984.

Amendment Nos. 102, 96 and 69.

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983, 48 FR 52830.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 2, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50-296, Browns Ferry Nuclear Plant, Unit No. 3, Limestone County, Alabama

Date of application for amendment: January 23, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to: (1) Incorporate the limiting safety systems settings and limiting conditions for operation during the sixth cycle and (2) reflect changes resulting from thermal power monitor modifications made during the current refueling outage.

Date of issuance: July 11, 1984.

Effective date: July 11, 1984.

Amendment No. 70

Facility Operating License No. DPR-68. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984, 49 FR 21846.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 11, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: November 11, 1982 and December 17, 1982.

Brief description of amendment: The amendments change the Technical Specifications to correct errors in the list of isolation valves, revise the Physical Security Plan audit cycle, and eliminate Plant Operations Review Committee review of the Quality Assurance program.

Date of issuance: July 16, 1984.

Effective date: July 16, 1984.

Amendment Nos. 103, 97, and 71.

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68. Amendments revised the Technical Specifications.

Date of intitial notice in **Federal Register:** November 22, 1983, 48 FR 52831 and December 21, 1983, 48 FR 56511.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 16, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: February 17, 1984, as revised March 29, 1984.

Brief description of amendment: This amendment modifies regulating rod and axial power shaping rod (APSR) position limits and axial power imbalance limits to allow APSR withdrawal at 200 ± 10 effective full power days (EFPDs). These modifications will accommodate

extension of the present cycle length to approximately 280 EFPDs. The amendment also modifies Table 3.2–2 to incorporate revised quadrant power tilt limits for the symmetrical incore detector system.

Date of issuance: June 12, 1984.

Effective date: June 12, 1984.

Amendment No. 69.

Facility Operating License No. NPF–3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 4, 1984, 49 FR 19172.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 12, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: August 18, 1983.

Brief description of amendment: The amendment modifies Technical Specification 3.3.3.2. to clarify in-core detector operability requirements.

Date of issuance: July 6, 1984.

Effective date: July 6, 1984.

Amendment No. 70.

Facility Operating License No. NPF–3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 24, 1984, 49 FR 7047.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 6, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of application for amendments: May 4, September 23, 1983, and January 11 and February 3, 1984.

Brief description of amendments: These amendments revise the Technical Specifications to incorporate the requirements of Appendix I of 10 CFR Part 50 as Radiological Effluent Technical Specifications (RETS).

Date of issuance: June 19, 1984.

Effective date: June 19, 1984.

Amendment Nos. 97 and 96.

Facility Operating License Nos. DPR–32 and DPR–37: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33092), Renoticed April 25, 1984 (49 FR 17878).

The Commission's related evaluation of the amendments is attached to a letter dated June 19, 1984.

No significant hazards consideration comments received: No.

Local Public Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: December 14, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to change the burnup dependent total peaking factor. Specifically, the exposure range for which the total peaking factor is defined has been extended from 37 GWD/MT to 43 GWD/MT (peak rod).

Date of issuance: June 19, 1984.

Effective date: June 19, 1984.

Amendment No. 54.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 24, 1984 (49 FR 7050).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 19, 1984.

Significant hazards consideration comments received: No.

Local Public Room location: University of Wisconsin, Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: January 13 and March 13, 1984.

Brief description of amendment: The amendment revises the Technical Specifications as required by 10 CFR 50.55a(g)(4)(ii) to comply with an updated ISI program. This amendment revises items in the areas of Limiting Conditions for Operation, Surveillance Requirements, and Administrative Controls.

Date of issuance: July 3, 1984.

Effective date: July 3, 1984.

Amendment No.: 55.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17879).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 3, 1984.

Significant hazards consideration comments received: No.

Local Public Room location: University of Wisconsin, Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION

During the 30-day period since publication of the last monthly notice, individual notices of issuance of amendments have been issued for the facilities as listed below. These notices were previously published as separate individual notices. They are repeated here because this monthly notice lists all amendments that have been issued for which the Commission has made a final determination that an amendment involves no significant hazards consideration.

In this case, a prior Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing was issued, a hearing was requested, and the amendment was issued before any hearing because the Commission made a final determination that the amendment involves no significant hazards consideration.

Details are contained in the individual notice as cited.

Portland General Electric Company, et al., No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: August 1, 1983.

Brief description of amendment The amendment authorizes the licensee to increase the storage capacity of the spent fuel pool from 651 fuel assemblies to 1408 fuel assemblies.

Date of Issuance: July 2, 1984.

Effective date: July 2, 1984.

Amendments No.: 88.

Facility Operating License No NPF–1.

Date of individual notice of issuance in **Federal Register:** June 14, 1984 (49 FR 24614).

Local Public Document Room location Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice, the Comission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that asessment, it is so indicated.

For further details with respect to the action see: (1) The application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter. Safety evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Divison of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By August 24, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a suplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief)*: petitioner's name and telephone number; date

petition was mailed; plant name; and publication date and page number of this Federal Register. A copy of the petition Should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of application for amendment: May 25, 1984.

Brief Description of amendment: These amendments change the La Salle Unit 1 and Unit 2 Technical Specifications in Table 3.3.2–2 the trip setpoint for the main steam tunnel differential temperature from less than or equal to 42°F to 36°F and the corresponding allowable values from less than or equal to 30°F to 42°F. these changes resulted because the actual normal (no leakage) differential temperature has been measured as high as 22°F which is very close to the trip setpoint of 24°F. this small difference between the trip setpoint and normal differential temperature does not provide sufficient margin to accommodate minor plant ventilation changes which may result in unnecessary and undesirable spurious isolations.

Date of issuance: July 3, 1984.

Effective date: July 3, 1984.

Amendment Nos. 17 and 2.

Facility Operating License Nos. NPF–11 and NPF–18.

Amendment revised the Technical Specifications and licenses.

Public and State comments requested as to proposed no significant hazards consideration: Yes. Press release and paid advertisment published June 7, 1984, in a local newspaper, sent to State.

Comments received: None.

The Commission's related evaluation is contained in a Safety Evaluation dated July 3, 1984.

Attorney for licensee: Ishan, Lincoln, and Burke, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Indiana and Michigan Electric Company, Docket No. 50–316, Donald C. Cook Nuclear Plant Unit No. 2, Berrien County, Michigan

Date of application for amendment: May 21, 1984.

Brief description of amendment: This amendment involves changes to the Technical Specifications on nuclear enthalpy rise hot channel factor $F^N\Delta H$) and power level as a result of emergency core cooling system/loss of coolant accident analysis with up to 5% of the steam generator tubes plugged. The proposed change from the original request will include an $F^N\Delta H$ which is flow dependent at various power levels and is limited by both loss of coolant accident (LCOA) and departure from nucleate boiling (DNB) considerations.

Date of issuance: June 18, 1984.

Effective date: June 18, 1984.

Amendment No.: 64.

Facility Operating License No.: DPR–74. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

Comments received: No.

The Commission's related evaluation is contained in a Safety Evaluation dated June 18, 1984.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Northest Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Generating Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: April 9, 1984.

Brief description of amendment: Amendment approves changes to the provisions of Appendix A Technical Specifications pertaining to operating limits, Maximum Average Planar Linear Heat Generation Rates (MAPLHGRs) and Minimum Critical Power Ratio (MCPRs) for Reload 9/Cycle 10 operation and other timely changes.

Date of issuance: June 14, 1984.

Effective date: June 14, 1984.

Amendment No. 98.

Provisional Operating License No. DPR–21. The amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes, Federal Register Notice, May 30, 1984 (49 FR 22579).

Comments received: No.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 14, 1984.

Attorney of licensee: Gerald Garfield, Esquire.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06358.

Washington Public Power Supply System, 50–397, WNP–2, Richland, Washington

Date of application for amendment: January 20; February 8; and April 10, 1984.

Brief description of amendment: Amendment No. 2 to Operating License No. NPF–21 deleted the surveillance requirements b and d in paragraph 4.4.3.2.2. of Technical Specification 3.4.3.2 pertaining to leak testing of pressure isolation values. These changes were found acceptable for the following reasons: (1) Low pressure injection valve open permissives have been modified to actuate on low reactor pressure rather than delta pressure across the valves, (2) high/low pressure interface valve leakage pressure monitor alarms are available in the Main Control room which are surveillance tested periodically, (3) position indication on each interface valve is available in the Control room, and (4) narrow range suppression pool level indication is available which is sufficiently sensitive to detect gross system leakage.

The amendment was issued under the emergency circumstances provision since failure to act expeditiously on this change would have precluded plant startup. The licensee had not expected to do these valve surveillances due to the logic modifications already completed at WNP–2. The net result of adding these surveillances and reinitiation of a full set of 7 day surveillance caused by this addition would have the effect of causing a 5 day delay in the plant startup.

Date of issuance: July 13, 1984.

Effective date: April 10, 1984.

Amendment No.: 2.

Facility Operating License No.: NPF–21 Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

Comments received: No.

The Commission's related evaluation is contained in a Safety Evaluation dated July 13, 1984.

Attorney for licensee: Nicholas Reynolds, Bishop, Cook, Liberman, Purcell, and Reynolds, 1200 Seventeenth Street NW., Washington, D.C. 20036.

Local Public Document Room location: Richland City Library, Swift and Northgate Street, Richland, Washington.

Dated at Bethesda, Maryland this 17th day of July, 1984.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 84-19414 Filed 7-23-84; 8:45 am]

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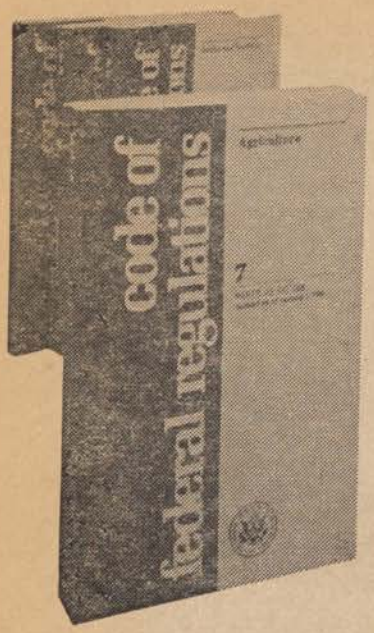

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